

2022 SUMMARY OF ACTIVITIES

Kenosha action Roadmap to Inclusion,
equality & equity

***STRENGTHENING COMMUNITY -POLICE
RELATIONS TEAM***

1st & 2nd Quarters 2022 | WWW.KENOSHA.ORG



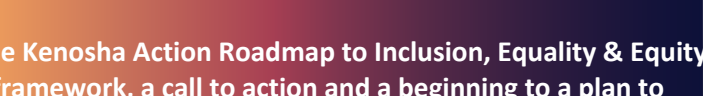
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BACKGROUND

In June 2020, Mayor John Antaramian convened a small group of area faith-based leaders that he meets with on a quarterly basis. He asked the group to help with creating a long-term response to the killing of George Floyd and if they could help with creating a plan to address systemic racism in the city of Kenosha.



The Kenosha Action Roadmap to Inclusion, Equality & Equity is a **framework, a call to action and a beginning to a plan** to address racism in key areas in the city of Kenosha. The Roadmap will be driven and maintained by teams comprised of diverse group of individuals and led by community ambassadors.

From the beginning, it was clear that this plan must be developed and owned by the community and not the city of Kenosha. City Administration was instrumental in creating the concept and a catalyst for convening the leaders to begin the work on the roadmap.

This document provides a summary of activities from the Strengthening Community- Police Relations Team and Strengthening the Mental Health System Team in Phase II (1st & 2nd quarters of 2022).



*Roy Peeples, Senior Pastor
Turning Point Life Church
Kenosha, Wisconsin*

FROM THE CHAIR – PASTOR ROY PEEPLES

JUST THE BEGINNING

This summary of activities provides an overview of the work of the Strengthening Community-Police Relations Team and Strengthening the Mental Health System Team. The Teams met in 2022 between January and June.

The Kenosha Action Roadmap to Inclusion, Equality & Equity is organized around seven main topic areas or “pillars:” They are Strengthening Community-Police Relations, Strengthening the Mental Health System, Developing Future Leaders, Creating an Equal Criminal Justice System, Creating Equal Employment Opportunities, Creating Quality Education for All, and Creating Equal Affordable Housing Access.

The first stage of the plan will be developed in phases between 2020-2024 to lay the foundation for the long-term plan to address identify systemic racism related to the key focus areas or “pillars”.

ACKNOWLEDGMENT

I wish to thank Mayor John Antaramian for asking me to continue to lead the work on developing the plan for the Kenosha Action Roadmap to Inclusion, Equality and Equity. In Phase I, we launched the first of the seven teams – Strengthening Community-Police Relations. It was created to begin to review, access and recommend ways to strengthen community policing and trust among law enforcement officers and the communities they serve. We found engaging with law enforcement officials, technical advisors, youth and community leaders, and nongovernmental organizations to be both enlightening and rewarding process. I again thank the Mayor for this honor.

TASKS

In Phase II, the work of the Strengthening Community-Police Relations Team continued picking up where the team ended in Phase I and we launched the second of the seven teams – Strengthening the Mental Health System. In addition, we added subject-matter experts to the team. This brought a more dynamic dialogue to the meetings.

For Phase II, each team decided to remain as one whole team and not break-up into Sub-Teams in each focus area.



APPRECIATION

The work that has been done so far is a remarkable achievement that could not have been accomplished without the tremendous assistance provided by the members of both teams, the city of Kenosha Police Chief Eric Larsen, Ms. Helen Schumacher, Chair – Strengthening Community-Police Relations and Jack Rose, Chair – Strengthening the Mental Health System. In addition, I thank Katherine Marks, City of Kenosha Community Outreach Coordinator, for her leadership, and her support of the operation and administration of the work of the Teams.

Most important, I would especially like to thank the community members, law enforcement officers, behavioral health staff, stakeholders, and civic leaders citywide who stepped forward to support the efforts of the Teams to lend their experience and expertise.

The passion and commitment shared by all to building strong relationships between the citizens, organizations and government became a continual source of inspiration and encouragement to the teams. The dedication of our fellow team members and their commitment to the process of arriving at consensus around the recommendations is also worth acknowledging. The team members brought diverse perspectives to the table and were able to come together to engage in meaningful dialogue on emotionally charged issues in a respectful and effective manner. I believe the type of constructive dialogue the teams have engaged in will serve as a stepping stone of the type of dialogue that must occur within teams as we roll-out the other focus areas.

THE EXPERIENCE

While much work remains to be done to address many longstanding issues and challenges — this experience has demonstrated to us that fellow citizens and Americans are, by nature, problem solvers. It is my hope that the information included in this document will a meaningfully contribute to our city’s efforts to increase trust between citizens, government and the community that we are all are responsible for.



SUMMARY OF ACTIVITIES

STRENGTHENING COMMUNITY-POLICE RELATIONS TEAM

PURPOSE

The purpose of the Phase Two and this Strengthening Community Police Relations (SCPR) Team is to follow up on several items that the Sub-Teams looked at in Phase One; continue to identify areas where the Kenosha Police Department (KPD) and community are working together to improve credibility and establish on-going dialog with residents; and make recommendations for continued progress for improvement.

FOCUS AREAS

Focus Area One – Update on Phase One Summary of Activities – Recommendations. In Phase Two, the SCPR team’s initial focus was to provide an update on several items/recommendations noted in the Summary of Activities Report from the Sub-Teams in Phase One.

Focus Area Two - Identify what is currently being done to enhance relations through community and KPD efforts. – The second focus was to identify what is currently being done to enhance relations through community and KPD efforts.

DISCUSSION & DISCOVERY

Focus Area One – Update on Phase One Summary of Activities – Recommendations

Phase One – SCPR Policies and Procedures Sub-Team made the following three (3) recommendations:

1. *Adding a comprehensive reporting element to the Use of Force Policy (the final element of the #8cantwait) requiring a report each time a firearm is un-holstered by a police officer while interacting with the public; and the same reporting requirement relating to choke holds, shooting at moving vehicles and duty to intervene.*

The current Kenosha Police Department USE OF FORCE POLICY (SCPR - ATTACHMENT A) requires that: “Whenever physical force is used by an officer in the performance of their duties, that officer shall complete a detailed incident report documenting the specific force used and the outcome of the event in which the force was used”. The policy specifically refers to filling out a KPD “Use of Force Report” for incidents where the officer uses Oleoresin Capsicum Spray (pepper spray), an electronic control device (stun gun), intermediate weapons (e.g., baton) (Sections VII, VIII and X, respectively) or any situation where an officer lays hands on a civilian which would include chokeholds. This report is in addition to the standard incident report that officers fill out for most contacts and includes descriptive information about the officer such as name, date of birth, ethnicity, age, gender, etc. It is tracked inside the KPD but is not reported to the Wisconsin Department of Justice unless it results in death, serious injury/great bodily harm or involves the discharge of an officer’s weapon in the direction of a person. Great bodily harm is defined as bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury. It should be noted that use of force of any kind results in a supervisory review after reading the report, reviewing the available video and debriefing the officer(s). This review involves the shift supervisor (a sergeant), the Shift Commander (a lieutenant or captain) all the way to the Inspector depending on the facts of the case. If the review determines that the officer(s) acted outside of policy, the officer(s) could be subject to additional training, or discipline. KPD Information Technology is working on the ability to utilize internal computer programming to monitor trends in use of force. If KPD’s existing software isn’t sufficient for monitoring use of force, then KPD will look to purchase a software program to accomplish adequate tracking.

With regard to the duty to intervene, the Use of Force Policy states: “The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances and subject the officer to disciplinary action, criminal and civil liability. The failure of an officer to prevent the use of excessive force by another officer or failure to report the use of excessive force by another officer may subject the officer to disciplinary action, criminal and civil liability.” When these situations are observed or reported, by either an officer or shift supervisor, all relevant parties are notified, and an investigation is initiated. KPD is currently in the process of revising/updating this part of the policy for clarification and expansion.

While the KPD has included this in their existing policy, as a point of interest, on May 22, 2022, the U.S. Department of Justice (USDOJ) revised its Use of Force Policy to now require its officers “will be trained in, and must recognize and act upon, the affirmative duty to intervene to prevent or stop, as appropriate, any officer from engaging in excessive force or any other use of force that violates the Constitution, other federal laws, or Department policies on the reasonable use of force.” While this only pertains to the Department’s workforce (e.g., Federal Bureau of Investigator, Drug Enforcement Agency, Alcohol Tobacco and Firearms, U.S. Marshal’s Service) and not local or state law enforcement agencies, it does represent a significant change in policy.

There is no specific recommendation for further action on this matter at this time, but it could be followed up on during future KARIEE Phases , if there are legislative/training/policy changes.

2. *Continue the study of implementing a Crisis Assistance Helping on the Streets (CAHOOTS) and Kenosha Coalition Organizing Resolution (KCOR) program.*

According to KPD Chief of Police both CAHOOTS and KCOR (commonly referred to as “interrupters”) are designed to be community driven as opposed to law enforcement driven. The Team determined that because it deals specifically with mental health issues and how KPD responds to them, the CAHOOTS Program is better addressed by the Phase 2 Strengthening the Mental Health System Team and will refer it to that Team.

KPD initially assisted KCOR in getting started with the goal of transitioning to a community-controlled organization. Several KPD officers attended Interrupters training in the summer of 2021. KCOR applied for a Community Development Block Grant which was later approved. KCOR was directed to the Health Department for additional resources and guidance. KCOR collaborated with Violence Interrupters from Milwaukee and Chicago, including Tio Hardiman, CEO of the Chicago-based Violence Interrupters. Mr. Hardiman led a group discussion with KPD officers and local Violence Interrupters, providing guidance to the group. It was anticipated that the program, once fully established, could become an effective in mediating and stopping violence in the community. Although KPD assigned a 2nd Shift Patrol Sergeant as the point of contact, progress has stalled at the time of this report and KCOR/Violence Interrupters no longer involve KPD in their activities.

There is no specific recommendation for further action on this matter at this time.

3. In addition to being a part of the drafting of the policy for Body Worn Cameras (BWC), the Sub-Team raised concerns about the ramifications of having cameras turned on and off automatically and having the police require that officers submit their initial reports prior to viewing their own camera footage.

As of this current report, all KPD officers now have BWCs and detectives have access to a pool of body-cams. KPD’s initial policy (effective 2/1/2018) was modeled after the International Association of Chiefs of Police (IACP) template with minor changes to localize to the City of Kenosha. The current MOBILE VIDEO/AUDIO AND BODY-WORN CAMERA EQUIPMENT POLICY (revised 3/25/2022) (SCPR - ATTACHMENT B) contains extensive changes to clarify definitions, use, procedures, restrictions, use by School Resource Officers, supervisor responsibilities, mobile video and audio recording procedures, retention and storage, and references Wisconsin Statute 165.87 Section IV. B. of the current BWC Policy clearly outlines under what circumstances the cameras are to be activated/deactivated. Section IV. C. 13, of the current BWC Policy allows officers to review their BWC video prior to finalizing their reports while the following paragraphs (14 and 15) outline the requirements for documenting when recordings were made, not made or interrupted. According to the Chief of Police, discussions with the Sub-Team during Phase One were a significant part of the revision of the initial policy.

The cameras appear to be working well and KPD personnel are adjusting to their operation. They have proven to be effective in capturing both police and civilian actions and in gathering evidence. A major challenge with the current policy relates to the volume of storage required to maintain the data. For example, there are four (4) cameras involved each time an officer makes contact with a civilian: one on the officer which records the officer’s immediate interactions; two (2) on the dashboard of the squad car which focus on the surrounding areas; and one which records the back seat area of the squad car. Per Wisconsin Statute 165.87, videos are kept for 120 days or until final disposition of a case. All that video takes up significant storage at significant cost. Chief of Police stated that KPD is working on optimizing technological aspects and developing a more disciplined approach. For example, the next generation of squad cars will allow for the back seat camera to activate only once the back door is opened.

There is no specific recommendation for further action on this matter at this time, but it could be followed up on during future KARIEE Phases if there are legislative/training/policy changes.

Phase One – SCPR Training Sub-Team made the following recommendation:

On the belief that more specific reporting and tracking of complaints will better equip the training response needed to address trends in police and community relations, it was recommended that the KPD consider including informal complaints in the tracking process and expanding the existing tracking of formal complaints to include identification of both complainant’s and officer’s race, ethnicity, gender as well as a more detailed description of the nature of the

complaint.

The KPD has not changed the way it tracks complaints but is investigating a better tracking program which would allow for such improvements.

There is no specific recommendation for further action on this matter at this time, but it could be followed up on during future KAR Phases if there are improvements or changes.

While no recommendations relating to specific training issues were made by the Phase One Training Sub-Team, it should be noted that there have not been any changes made to either the state level (academy) training program or the KPD internal training as it relates to the following four (4) areas:

1) Inherent Bias training

Police recruits still receive inherent bias training at the academy run by Gateway Technical College under the state mandated curriculum. As of the writing of this report, KPD has 11 officers who have not completed departmental training provided by Fair & Impartial Policing but are scheduled to do so. The class sizes are smaller than typical trainings and scheduling the training without incurring overtime is a priority. Additionally, some of those left to be trained have been out on extended leave, including military leave. Discussion remains underway about the frequency of refresher courses.

There is no specific recommendation for further action on this matter at this time, but it could be followed up on during future KAR Phases if there are legislative/training/policy changes.

2) Chokeholds

Following up on the use of choke holds as discussed in the Phase One Training Sub-team report, Wisconsin Statute 66.0511 (2) states "A law enforcement agency may not authorize the use of choke holds by law enforcement officers in a policy or standard under this subsection except in life-threatening situations or in self-defense." And, KPD 1.3 Use of Force Policy Section VIII. B. 1. states that "The use of chokeholds is prohibited except in those situations where deadly force is allowed and only as a last resort." As reported in Phase One, neither the police academy nor the KPD train to chokeholds and any officer who uses it will need to justify using such deadly force.

There is no specific recommendation for further action on this matter at this time, but it could be followed up on during future KAR Phases if there are legislative/training/policy changes.

3) No-Knock Warrants

The tactical term is dynamic entry but are commonly referred to as "no-knock warrants." Such entry is still permissible under Wisconsin Statute (Chapter 968, Commencement of Criminal Proceedings, Section 968.14 Use of force) as long as a judge authorizes the warrant based on the requesting officer's supporting facts of exigent circumstances. Two (2) policies govern KPD searches. The first is SEARCH AND SEIZURE (*SCPR - ATTACHMENT C*) and the second is SEARCH OF PREMISES WITH AND WITHOUT A WARRANT (*ATTACHMENT D*). Specifically, Sections VII D. and Section IV E 3b, respectively, which indicate that such entries are to be made in accordance with state law.

The KPD's Special Weapons and Tactics Team (SWAT) is primarily responsible for the execution of warrants unless they need additional personnel or resources at which time they utilize a mutual aid agreement with Kenosha County Sheriff's Department and/or the Pleasant Prairie Police Department. KPD's SWAT Commander said that his primary focus is always de-escalation and protection of life, NOT protection of evidence. To that end, they follow the standards set out by the National Tactical Officers' Association (NTOA), a non-profit organization providing law enforcement organizations proven training resources as well as a forum for the development of tactics and information exchange. The NTOA recently (2/25/2022) released a position statement (*SCPR - ATTACHMENT E*) indicating "No-knock search warrants, though well-intended, no longer pass the test of tactical science, risk mitigation practices, and liability-conscious decision-making." The SWAT team

approaches all warrants utilizing the safety priorities outlined in the position statement. The SWAT team has complete control over the tactical service of the warrants and utilizes a threat matrix (*SCPR - ATTACHMENT F*) which assigns a point total to certain factors related to the warrant such as the nature of the crime, criminal history of the suspect, the presence of weapons or known gang affiliation, etc. When the point total reaches a certain number, the tactical team must be consulted, and it is never done lightly or without examining other options. Again, unless it is an active shooter or hostage situation, SWAT uses minimal force and focuses on negotiations.

There is no specific recommendation for further action on this matter at this time, but it could be followed up on during future KAR Phases if there are legislative/training/policy changes.

4) Expanded Defensive Tactics Training

Although not made as a recommendation, there was discussion in Phase One of expanding Defensive and Arrest Tactics (DAAT) training by the KPD. In addition to academy training, all officers have received bi-yearly updates. In April 2022, the Training Division began facilitating training at the shift level monthly, for all patrol personnel and will be extended to all personnel beginning in July/August of 2022. As part of an ongoing project, KPD has added more DAAT instructors and has identified an off-site location which will be built out and have proper equipment for more consistent training.

The KPD is already moving forward on expanding DAAT training so there is no specific recommendation for further action on this matter at this time, but it could be followed up on during future KAR Phases.

Phase One – SCPR Recruitment Sub-Team

While the Phase One Recruitment Sub-Team made no formal recommendations due to time constraints, it did identify expectations that changes can be made to the KPD's recruitment and selection process to make the organization more representative of the community it serves.

There are state and local requirements for potential candidates. The state recruitment qualifications are found in Law Enforcement Standards Board Chapter 2 of the Wisconsin Administrative Code. The local requirements mirror the state requirements which are essentially a high school diploma or equivalent, be at least 18 years old, possess valid driver's license, no felony convictions, and completion of 2-year Associate degree or minimum of 60 college credits within 5 years (<https://www.kenosha.org/departments/police/recruitment>).

See discussion of Recruiting Efforts in Focus Two below.

Phase One - SCPR Community Relations Sub-Team made the following four (4) recommendations:

1. Create or enhance summer daily walking patrols in neighborhoods that tend to require high police presence to increase interaction between the police and members of the community.

There are permanent day shift foot patrols in both the Uptown and Downtown business districts as well as bicycle patrols on all shifts in neighborhoods and large events. These are not necessarily enforcement activities but rather focus on building personal relationships with community members.

There is no specific recommendation for further action on this matter at this time.

2. Encourage police personnel to volunteer with local community organizations including those that serve people of color and build a partnership where KPD officers volunteer and serve. Perhaps consider building into the promotion process a need for community service hours to be eligible for promotions.

In addition to the community activities described below in Focus Two, many KPD personnel do volunteer with a variety of groups/organizations on a personal basis. While volunteerism is certainly a notable character attribute, there has been no discussion of/or consideration given to building community service into the

promotional process.

There is no specific recommendation for further action on this matter at this time.

3. Develop or revisit the KUSD Partnership that focused on encouraging high school students to pursue their interest in becoming police officer or a career in law enforcement. Revisit program that puts officers in schools to teach kids their rights and an understanding of police procedures and protocols. Possibly partner with the AAYI (African-America Youth Initiative) program and connect officers to those meetings regularly.

See discussion of Bradford High School Criminal Justice Project in Focus Two below under KUSD Interaction Project.

4. Regularly schedule round table-type discussions over a meal with KPD command staff and community members in targeted neighborhoods on a quarterly basis to discuss topics of interest.

See discussion under Interaction with the Community in Focus Two below under Interaction with the Community.

Focus Area Two - Identify what is currently being done to enhance relations through community and KPD efforts.

Interaction with the Community

The Strengthening Community-Police Relations Team considered trying to review the wealth of community groups to get their perspective on the state of relations with the police department, as well as their efforts in this area, but decided that the team had neither the resources nor the time to conduct an adequate survey. However, the Police Chief meets monthly with local activities and representatives from a wide variety of community organizations to help build and maintain relations and to identify community concerns which can be addressed. The meetings have been productive and have led to stronger relationships between the department and the organizational representatives. Both the department and the representatives have provided guidance in various areas including community initiatives, grant programs and department activities. There is a search underway for a new Police Chief and this Team hopes that the he/she will continue with these meetings and implement other community interactions.

While, in theory, all KPD personnel liaise with the community by virtue of their daily contact, there are liaison responsibilities with specific groups assigned to specific officers. Those groups include the LGBTQ+, National Association on Mental Illness as well as St. Mark's Church & the Hispanic Community. KPD personnel are also assigned to programs such as crime prevention, child safety education, school resources, recruiting and Crime Stoppers.

The KPD participates in a variety of community activities which run the gamut from burglary prevention, senior citizen safety Internet safety for parents and children, Neighborhood Watch, and attending major events such as the Kenosha Expo, Wisconsin Marathon and Harbor Park Jazz Festival. KPD personnel are also active on/in numerous committees/groups such as Urban Outreach, Concerned Citizens Coalition on Alcohol and Other Drugs, National Alliance on Mental Illness, and the Mayor's Youth Commission. *(For a more detailed list of community activities, see SCPR - ATTACHMENT G.)*

Of particular note is the KPD Safety Education Division operates out of the Kenosha Rotary Safety Center, located at 5716 14th Avenue. The purpose of the Safety Center and Safety Education Officer is to encourage a positive relationship between children and the police to instill important safety values with the elementary school children, reduce the chance of children becoming victims of crimes and provide a safe environment around the elementary school. The department's Safety Officer, along with a civilian assistant, are responsible for scheduling safety classes throughout the entire school year with private, public and parochial schools. Subjects cover a variety of areas according to grade level. The Safety Officer is also responsible for the training and supervision of the Adult Crossing Guards, along with the training of the elementary school's Safety Patrol Cadets. During the summer, the Safety Officer also has a summer program for those parents who enroll their child/children for one week safety sessions during the months of June, July and August. With time permitting, during the months May through August, two to six bike rodeos are held, along with various speaking engagements. The Safety Center is also used for recruiting activities.

The department also sponsors the Kenosha Police Public Safety Cadet Unit 67 program. This program is designed for young men and women between the ages of 14 & 20 who are interested in law enforcement. The program helps to educate its members by giving them working knowledge of procedures, duties, and concepts of law enforcement. The program also helps young adults to develop self-esteem, leadership qualities, teamwork, professionalism, responsibility, and good work ethics as well as facilitate and strengthen relations between law enforcement and the community. The Unit has received recognition is state competitions and several former Cadets have gone on to become KPD officers.

A new effort by the KPD is their initiation of a podcast, run out of the Safety Center, which presents a variety of topics to educate the community about the department. Its first podcast about the department's history was broadcast on 3/29/2022. These podcasts can be heard on KPD's Facebook page (<https://www.facebook.com/Kenoshapolice>) as well as other platforms such as Google, iHeart, Apple and Spotify. Weekly topics have or will include: the Chief vision for the future, Flip, Flop, and Float: Water Safety, KPD Internship Program, and one of the KPD dogs with her detective handler. KPD Facebook, alone, has over 77,000 followers which is a strong base for an audience. The department is tracking feedback (on Facebook only at this time) and anticipates such feedback will be a rich source for future topics. Feedback to this point has been very positive with only the occasional negative comment usually on an unrelated topic or by persons not residing in the city of Kenosha or Kenosha County. The City is researching companies to assist in gathering community input and insights from various media and social media platforms as it relates to areas of concern to Kenosha

but has not made any definitive decisions at this time.

It is recommended that the city continue its efforts to research an appropriate tool to monitor feedback from various media and social media platforms to proactively gather feedback as it relates to areas of concern in and about Kenosha (e.g., public safety, transportation, local economy, etc.) to identify trends, both positive and negative which should be addressed.

Recruiting efforts

Various websites are used for recruitment purposes. They include Kenosha’s city website, JoinHandshake.com, KPD Facebook, wisc.jobs, Indeed.com, ZipRecruiter.com, DiversityJobs.com, LinkedIn.com, Twitter and Glassdoor.com. Representatives of the KPD attend college job fairs for recruitment purposes to provide information about employment with KPD. There have been podcasts as well. There were four (4) recruiting seminars held at the Kenosha Rotary Safety Center, two (2) in February 2022 and two (2) in July 2022. These sessions included information on the hiring process and afforded the 60+ attendees to talk with KPD personnel about what it takes to be a police officer.

It should be noted that applications for law enforcement agencies, not only in Wisconsin but nationwide, have significantly declined over the past several years. In Southeastern Wisconsin we are all drawing from the same pool of applicants. The following city demographics are estimates from the census bureau as of July 1, 2021, and the department demographics are as of 1/13/2022:

Total Population/Department Staffing	99,286	207
Female	51%	10%
Male	49%	90%
White	77%*	86%
Black/African American	11%*	5%
Hispanic	18%*	9%
Asian	2%*	.5%

*The U. S. Census Bureau’s categorization of race and ethnic background allows for multiple classifications which explains the total of more than 100%.

While current recruitment efforts are not necessarily getting large numbers of applicants reflective the community, the most recent recruiting effort drew from Southeastern Wisconsin and resulted in 137 applicants who passed the minimum requirements. Of those, 92 were invited to interview; 36 passed and were interviewed by the Chief, Deputy Chief and Inspector; 22 passed and are on the final list; five are scheduled to be hired in August and two in September. These new officers will positively impact the minority demographics of the KPD.

It is recognized that the demographics of the city are as of a specific point in time and do fluctuate, and those of the department also fluctuate and do not necessarily take into account issues of retention.

The KPD is making significant progress on and making clear efforts to recruit and hire a diverse workforce. The SCPR is making no specific recommendation but is suggesting that consideration be given to the use of additional social media outlets, radio and television ads, announcements in Happenings Magazine and local newspapers to include the counties of Lake and McHenry in Illinois.

Bradford High School Criminal Justice Project

The Diversity Equity & Inclusion Interventionist at Bradford High School piloted a program that identified a group of students interested in the criminal justice field and offered them a chance to directly connect with individuals working in that field. Students were able to ask questions ranging from what career path they took to achieve their current position to how the officers have overcome fear to complete their duties and get feedback on an everyday work experience. To date, several members of the KPD have met with the group. Those presentations were well received, and the students expressed an interest in having more guest speakers. The current Interventionist is leaving Bradford

which will create a void there but is hoping that another staff member would be able to continue this project. providing the presentations/guest speakers with the current group of students. He plans to meet with KUSD administration and to create a similar group at Indian Trail group and, perhaps, expand to different professions and careers such as the fire service.

There is no specific recommendation for further action on this matter at this time, but it could be followed up on during future KAR Phases if there are improvements or changes.

CONCLUSIONS

The Phase Two time of learning determined that the community and KPD are currently working well together, particularly as evidenced by the monthly meetings with the Chief of Police. Community members attending these meetings apparently feel free to discuss a wide variety of topics and would probably not continue if they were not satisfied with the current situation. Likewise, training and the efforts to partner with KUSD have taken steps forward although it is unfortunate that the Diversity Interventionist is changing positions and it is hoped that he is able to continue the Criminal Justice Project.

The KPD's Facebook page and their newly created podcasts present a wonderful opportunity to publicize the department's activities and respond to questions from the community. Having said that, the SCPR Team feels that more communication with the public about KPD's activities related to community involvement and recruiting efforts would be helpful. While not a part of the team's focus, they recognize that the City's website does post the results of the Kenosha Action Roadmap (KAR) , it would also benefit from additional publicity. With the addition of KAR Phase Two Summary of Activities, it is recommended that consideration be given to wider publicity as the project goes forward.

RECOMMENDATIONS

This time of learning revealed several areas of potential improvement:

- 1) The SCPR Team recommends that the city continue its efforts to research an appropriate tool to monitor feedback from various media and social media platforms to proactively gather feedback as it relates to areas of concern in and about Kenosha (e.g., public safety, transportation, local economy, etc.) to identify trends, both positive and negative which should be addressed.
- 2) The SCPR Team recommends that consideration be given to wider publicity to the KAR activities as the project goes forward.

TEAM INFORMATION

MEMBERS

Helen Schumacher, Retired FBI (Team Lead)

Eric Larsen, Chief of Police, Kenosha Police Department

Pam Drummond, Retired Probation and Parole Officers

Hansel Lugo, Diversity, Equity & Inclusion Interventionist, Bradford High School

James Beller, Captain, Kenosha Police Department

PLEASE NOTE: The team had four (4) persons with a law enforcement background and training. The other community member had no law enforcement background or training.

MEETINGS

The SCPR Team held monthly meetings between January and June 2022.



WHAT'S NEXT MAYOR ANTARAMIAN

It is time to re-imagine what kind of Kenosha we want to build – a community where all citizens can live equally, safely and freely.

The Kenosha Action Roadmap to Inclusion, Equality & Equity provides a great opportunity to bring together diverse individuals, organizations, businesses, faith-based community and government to chart a better course for the city of Kenosha where there is inclusion, equality and equity.

In 2023, we'll enter into the next phase with continued emphasis on recruiting team members with subject-matter / content expertise, adding the voices of our young people is vitally important and better communication regarding the work of the Roadmap.

WORK CONTINUES

In 2023, the Roadmap teams will continue the work in the focus area of Strengthening the Mental Health System, as determined by the members of the team.

ROLL OUT NEXT FOCUS AREA

The next focus area “Developing Future Leaders” was chosen next because of the emphasis on work being done in the community focused on preparing Kenosha’s youth, young adults and young professional for the workforce demands existing in Kenosha now and in the future.

TEAM RECRUITMENT

Based on lessons learned in phase I and II, a strong emphasis is on recruiting individuals to lead or be a member of the Team that has content or subject matter expertise. While not all the members have to be a content or subject-matter experts the teams will be comprised of a majority of members that have experience with the subject matter.

“In 2023, we’ll enter into the next phases with an emphasis on recruitment of community members with subject-matter / content expertise”.



SPECIAL THANK YOU TO ALL THE INDIVIDUALS WHO SERVED ON THE TEAM

“It takes a village.”

Pastor Roy Peebles, Turning Point Life Church, KARIEE Chair

Strengthening Community-Police Relations Team

Helen Schumacher, Team Lead, Retired FBI Agent

James Beller, Captain, Kenosha Police Department

Pam Drummond, Retired Probation and Parole Officer

Ric Larsen, Chief of Police, Kenosha Police Department

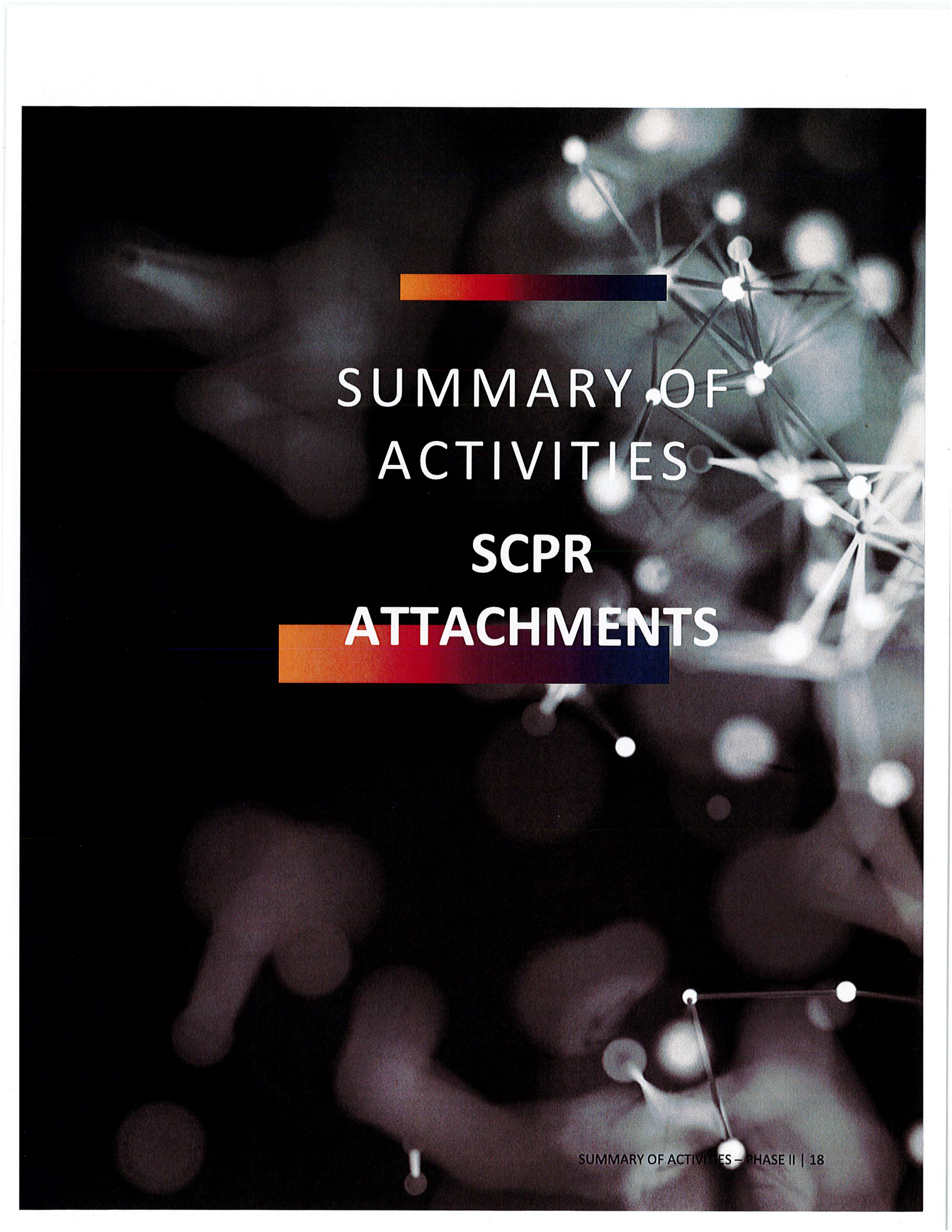
Hansel Lugo, Diversity, Equity & Inclusion Interventionist, Bradford High School

“Coming together is a beginning.”


“Keeping together is progress.”

An expression of appreciation to Katherine Marks for her help and technical assistance with facilitating, assisting and supporting the Kenosha Action Roadmap to Inclusion, Equality and Equity Teams.

“Working together is SUCCESS!”



**SUMMARY OF
ACTIVITIES
SCPR
ATTACHMENTS**

	KENOSHA POLICE DEPARTMENT		
	POLICY AND PROCEDURE		
	1.3 Use of Force		
Effective Date:	6/1/1999	Revision Date:	11/17/2020
Action:		Number of pages:	13

I. PURPOSE

The purpose of this policy is to provide the officers of the Kenosha Police Department with guidelines in the use of deadly and non-deadly force, utilizing the Intervention Options as set forth by the State of Wisconsin, Training and Standards, Defensive and Arrest Tactics curriculum.

II. POLICY

It is the policy of the Kenosha Police Department that sworn personnel use only the amount of physical force reasonable and necessary to arrest, apprehend, or restrain a person. Force may also be used in defense of self or others.

The level and amount of force which an officer uses must be reasonably necessary to accomplish the law enforcement objective. The U.S. Supreme Court, in the case of *Graham v. Connor*, said that use of force must be “objectively reasonable” in the given situation. The factors which, in general, enter into a determination as to whether force was used “objectively reasonable” include:

- A. the severity of the alleged crime at issue;
- B. whether the suspect poses an imminent threat to the safety of officers and/or others; and
- C. whether the suspect is actively resisting or attempting to evade arrest by flight.

In making a determination as to the reasonableness of force, courts recognize that law enforcement officers have to make split-second decisions and reactions. That necessity is taken into consideration. Recognizing our legal and moral obligations to use force wisely and judiciously, it is the policy of the Kenosha Police Department that deadly force shall not be resorted to until other reasonable means of apprehension or defense has been evaluated.

III. DEFINITIONS

- A. **Excessive Force:** The use of more force than is reasonable and necessary to arrest, apprehend, or restrain a suspect. The use of excessive force will not affect the validity of the arrest. It will expose the officer to civil suit, discipline or both and, in aggravated circumstances, possible criminal liability.
- B. **Deadly Force:** In Wisconsin, the definition of deadly force applied by the police is the use of any means or instrumentality intended to or likely to cause death. An officer may use deadly force when he/she believes it is necessary to prevent death or great bodily harm to himself/herself or to others. Therefore, the justification for deadly force is the immediate threat of death or great bodily harm, but the application of deadly force is that action which is likely to cause death.

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- C. **Less-Lethal Force Philosophy:** A concept of planning and force application, which meets operational objectives, with less potential for causing death or great bodily harm than conventional police tactics.
- D. **Non-Deadly Force:** Any use of force other than that which is considered deadly force.
- E. **Electronic Control Device:** A less-lethal force weapon utilized by trained personnel that causes Electro-Muscular Disruption (EMD) to a combative or potentially combative subject. The use of this device is intended to incapacitate the subject with a minimal potential for causing death or great bodily harm.
- F. **Officer Involved Death:** A death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.
- G. **Chokehold:** A physical maneuver or technique that restricts an individual's ability to breathe for the purpose of incapacitation.

IV. APPLICATION

This policy and procedure shall apply to all Officers of the Kenosha Police Department. Whenever physical force is used by an officer in the performance of their duties, that officer shall complete a detailed incident report documenting the specific force used and the outcome of the event in which the force was used.

V. MEDICAL ASSISTANCE REQUIREMENT

All department personnel who engage in the use of deadly or non-deadly force within the scope of their employment shall:

- A. Check the subject for injuries and administer first aid to their level of training, if required, first aid shall include, but is not limited to, treatment for Oleoresin Capsicum exposures and the use of an Electronic Control Device.
- B. Summon an ambulance, paramedics, rescue unit, or appropriate medical aid, if necessary.
- C. Maintain close personal observation and keep in close physical contact with the subject while continuing to administer first aid while the subject is in your custody.
- D. All officers are to monitor all subjects involved in the use of force contacts for positional asphyxia whenever physical restraint is applied to the subject.

VI. USE OF FORCE

- A. Officers may use only the amount of physical force necessary to consummate an arrest based on probable cause for a violation of state law, municipal ordinances, or federal law. Necessary force may also be used in the apprehension of a violent emotionally or mentally disturbed person, or in the subduing and restraining of an unruly, combative or abusive person.

While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers are permitted to use whatever force is reasonable and necessary to protect themselves or others

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from bodily harm. The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances and subject the officer to disciplinary action, criminal and civil liability. The failure of an officer to prevent the use of excessive force by another officer or failure to report the use of excessive force by another officer may subject the officer to disciplinary action, criminal and civil liability.

The purpose for use of force is to gain control in pursuit of a legitimate law enforcement objective. If verbalization is effective in gaining compliance, it is always preferable to physical force.

1. An officer should consider his/her reasons for interacting with the subject, i.e., do you have reasonable suspicion, probable cause, etc.
2. An officer should observe the subject's actions/behavior upon their initial involvement or approach.
3. Address the subject you are interacting with in a courteous professional manner. Present questions calmly and directly. Attempts should be made to de-escalate the situation.
4. If you intend on arresting the subject, you should advise him/her of your intent to arrest, and direct them through dialog to comply with your directions.
5. If the level of force an officer is using is not effective in gaining compliance, the officer may disengage and / or escalate to a higher level of force.
6. An officer need not escalate step-by-step through the Intervention Options. As the situation dictates, the officer may move from any mode to another if he/she reasonably believes that a lower level of force would be ineffective.
7. Once an officer has gained control of a subject, he/she must reduce the level of force to that which is needed to maintain control.

VII. USE OF OLEORESIN CAPSICUM SPRAY

- A. The use of Oleoresin Capsicum Spray is authorized by the State of Wisconsin and the Kenosha Police Department when the officer experiences active resistance or its threat from a suspect. The best target area for the spray is the face.

When Oleoresin Capsicum Spray is used, the officer will complete the Kenosha Police Department Use of Force Report and submit it to his/her supervisor by the end of the shift. The supervisor will review and forward a copy of the report to the Training Division. The original will be placed in records.

VIII. USE OF LESS-LETHAL FORCE

- A. The use of an Electronic Control Device has been authorized by the Kenosha Police Department and may be used by trained personnel when a subject is threatening to actively resist or is actively resisting an officer and the subject poses an articulable threat of harm to an officer or another person. It may also be used when the subject poses a threat of harm to himself or herself such as self-inflicted injury or a suicide attempt.

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1. Officers may include in the decision to use this force option information known to the officer at the time of the incident, including conduct or statements of the subject or prior history of resistive or assaultive behavior.
 2. Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of an electronic control device.
- A. An officer shall not brandish, display or threaten the use of an electronic control device unless he or she can reasonably conclude its use may become justified and is anticipated.
 - B. When an electronic control device is issued to an officer, it shall be mandatory for that officer to carry the weapon on his person whenever the officer responds to an incident.
 - C. The electronic control device shall be worn on the officer's weak side, the side opposite of the officer's firearm.
 - D. In each instance, when an electronic control device is deployed on an incident, a determination will be made regarding the need for lethal cover.
 1. Lethal cover shall be required in all cases in which the subject possesses a firearm, knife or other deadly weapon.
 - F. Department personnel who use an electronic control device against a person shall ensure the person is monitored for injury or medical treatment as soon as practical after the person is under control.
 - G. If an adverse reaction to the electronic control device occurs, and it appears that the subject is in need of medical treatment, or if medical assistance is requested by the subject, an officer shall summons a Medical Personnel to the scene. The Emergency Medical Personnel shall be allowed to make an assessment of the person and transport as appropriate.
 - H. If the probes are imbedded in sensitive tissue areas, i.e. neck, face, groin, or the breast of a female, officers shall arrange transport to a medical facility for removal. If the probes are imbedded in other non-sensitive tissue areas, a trained officer may remove them according to the trained procedures.
 - I. After the probes have been removed, they shall be handled as a biohazard and packaged according to the trained procedure. The package shall be disposed of in an appropriate biohazard container.
 - J. When an electronic control device is used against a person or animal, the user shall notify an on-duty supervisor and shall complete an incident report detailing the circumstances of the incident.
 - K. The electronic control device shall not be used in close proximity to open flammable liquids or in other flammable or combustible environments.
 - L. When an electronic control device is used, the officer will complete the Kenosha Police Department Use of Force Report and submit it to his/her supervisor by the end of the shift. The supervisor will review and forward a copy of the report to the Training Division. The original will be placed in records.

IX. USE OF INCAPACITATING TECHNIQUES

- A. The use of an incapacitating technique, i.e. diffused strike, is authorized by the State of Wisconsin and the Kenosha Police Department only when the officer has been fully trained in the application of the strike. The purpose of incapacitating techniques is to cause the immediate, temporary cessation of violent behavior. The diffused strike as taught in the DAAT system has a greater effect and usually renders the subject temporarily unconscious.

When an officer uses an incapacitating technique, the incident shall be fully documented in an incident report.

X. USE OF INTERMEDIATE WEAPON

- A. The baton is to be considered an intermediate weapon. Its proper use is to impede a subject, not to cripple, maim, or kill. The best target areas for the baton are legs, wrists, forearms, or lower abdomen.

When a baton is used, the officer will complete the Kenosha Police Department Use of Force Report and submit it to his/her supervisor by the end of the shift. The supervisor will review and forward a copy of the report to the Training Division. The original will be placed in records.

XI. INVESTIGATING INCIDENTS OF NON-DEADLY; LESS-LETHAL USE OF FORCE

The on-duty shift supervisor shall be responsible for the immediate review of an incident involving the use of non-deadly; less-lethal force. The shift supervisor shall require the involved officer to complete a detailed incident report and shall provide a summary to the Shift Commander if there are known or suspected injuries to the suspect(s) or officer(s) or unusual circumstances.

The Shift Commander shall ensure that proper departmental procedures were followed during and after the incident and shall take appropriate departmental action as required. If it is determined that additional investigation is required, the shift commander will consult with the Inspector for follow-up considerations.

XII. USE OF HANDCUFFS AND LEG SHACKLES

- A. An officer shall place handcuffs on any individual who is in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to himself/herself or others. With rare exception, such as medical reasons or investigative needs, custodial prisoners SHALL BE HANDCUFFED when transported to lockup, medical facilities, court, from the lockup area to other areas within the Public Safety Building or outside the Public Safety Building, etc.

Leg shackles may be used with handcuffs when bringing a prisoner from the lock up to other areas of the Public Safety Building and shall be used when transporting the prisoner outside the Public Safety building if the prisoner is charged with a crime.

1. Whenever possible or feasible, handcuffs shall be placed on an individual with arms to the rear and palms facing outward. Handcuffs should be secure, allowing the wrists to turn slightly inside the cuff and double-locked.

1.3 Use of Force

2. If the suspect is to be handcuffed in the front, the transport belt should be used to secure the handcuffs.
3. The leg shackles should be placed on the individual's ankles allowing the cuff to turn slightly around the ankle and double-locked, with the key slot positioned to afford the easiest access at the time the shackles are to be removed.
4. After placing handcuffs or leg shackles on an individual, officers should exercise caution to prevent the person in custody from falling and shall provide physical escort to the person when walking.
5. When removing handcuffs from a person, officers are to hold the unfastened handcuff securely to prevent it from being used as a weapon, and also to maintain control of the individual, should he/she become unruly.

Portions of the handcuffs and leg shackles section may be altered at the direction of the supervisor to accommodate unusual transport conditions or the special needs of an individual.

XIII. USE OF DEADLY FORCE

- A. Deadly force is force that is intended to or likely to cause death.

An officer may use deadly force:

1. As a last resort in the defense of oneself, when there is reasonable cause to believe that the officer is in imminent danger of death or great bodily harm.
2. As a last resort in the defense of another person, whom the officer has reasonable cause to believe is being unlawfully attacked and is in imminent danger of death or great bodily harm.
3. As a last resort to prevent escape of a suspect, where the officer has probable cause to believe that the person to be arrested has used deadly force in the commission of a felony, and the officer reasonably believes there is no other way to make the arrest or retain custody of the person once arrested, or the person to be arrested can reasonably be thought to be intent on endangering human life or upon inflicting serious bodily harm. In any event, the officer should not use deadly force unless he/she believes it is necessary and then only as a last resort.
4. Whenever safety permits, police officers should identify themselves and state their intent to shoot prior to using a firearm. Officers are to fire their weapons to stop an assailant from completing a potentially deadly act. Officers should shoot to stop the threat and to minimize danger to innocent bystanders.

- B. Use of chokeholds

1. The use of chokeholds is prohibited except in those situations where deadly force is allowed and only as a last resort.

- C. Use of vehicles

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1. Intentionally ramming and forcing a suspect off the roadway into a stationary object constitutes the use of deadly force and is authorized as a last resort pursuant to the conditions of this policy.

D. Restrictions on use of firearms

Police officers shall adhere to the following restrictions when their weapon is exhibited:

1. Except for maintenance or during training, police officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
2. WARNING SHOTS ARE NOT AUTHORIZED.
3. Decisions to discharge firearms at or from a moving vehicle shall be governed by this agency's use-of-force policy and are prohibited if they present an unreasonable risk to the officer or others.
4. Shots to destroy animals are authorized only for self-defense or defense of another or when the animal is so badly injured that humanity requires its relief from suffering. A seriously wounded or injured animal may be destroyed only after all other resources have been exhausted and authorized by a supervisor. The destruction of injured or vicious animals should be undertaken with utmost regard for the safety of the public.
5. In an instance where an officer has discharged their weapon at a dangerous or seriously injured animal, they will complete a thorough report.
 1. The officer's immediate supervisor will review the reports and may also submit appropriate administrative reports addressing issues such as policy or safety issues if necessary.

E. The following procedures will be used to investigate incidents of firearms discharge by a police officer, excluding the use of firearms during authorized training, the destruction of an injured or dangerous animal, or the firing of a weapon by a police armorer. In addition, these procedures will also be used to investigate other uses of force by officers in the performance of their duties.

1. Whenever an officer discharges his/her firearm either intentionally or unintentionally, and that discharge does not result in death or injury, the officer shall as soon as possible:
 - a. Notify the on-duty supervisor and communications center of the incident and location.
 - b. The on-duty supervisor or designee shall investigate the incident and forward the result of that investigation to the Chief of Police.
 - c. The Chief of Police may request that the Firearms/Deadly Force Review Board review the circumstances of the incident. The Firearms/Deadly Force Review Board will evaluate, in a fact-finding fashion, each aspect of the firearms discharge.
2. The officer will remain at the scene, unless injured or if his or her safety is in jeopardy, until the arrival of a supervisor.

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- a. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop, i.e. a violent crowd, the supervisor responding or on the scene shall have the discretion to instruct the officer to respond to another more appropriate location.
 - b. As soon as the officer's presence is no longer required at the scene, the officer will be removed to the department, or other approved location by a supervisor or officer assigned by a supervisor.
 - c. If at the scene the officer is exhibiting signs of emotional stress and remaining at the scene appears to be harmful to the officer's psychological well-being, the on-scene supervisor may direct that the officer be removed from the scene. An attempt to obtain a public safety statement from the officer should be made, however; this is contingent upon the condition of the officer.
3. The officer will protect his/her weapon for examination and submit the weapon to the appropriate authority if needed. Upon submission of his or her weapon, the officer may be issued another weapon.
 4. A complete, detailed statement /report shall be taken/completed by the officer(s) involved as soon as practicable. Depending upon the circumstances surrounding the incident, this statement may be put off to a later time.
 1. In the event the officer is hospitalized or otherwise incapable of completing a statement as required, the on-scene supervisor will prepare as complete a report as possible containing the officer's verbal statements, the reason the officer could not complete the report and other officers' or witnesses' statements.

XIV. INVESTIGATING INCIDENTS OF POLICE INVOLVED SHOOTINGS, IN-CUSTODY DEATHS, AND OTHER USE OF FORCE INCIDENTS WHICH RESULT IN THE DEATH OF AN INDIVIDUAL

- A. The following procedure will be utilized to investigate every incident of firearms discharge by a department officer that results in the death of an individual, an in-custody death, and other officer involved incidents which result in the death of an individual. This same procedure will apply to the death of an individual that is traffic related involving an officer.
- B. At the discretion of the Chief of Police, or his designee, this same procedure may be utilized to investigate an incident of firearm discharge by an officer which results in bodily harm of an individual.
 1. Whenever an officer discharges a firearm, either accidentally or officially, he/she shall immediately determine the physical condition of any injured person and request the required medical assistance.
 2. The Shift Commander on duty shall have the discretion to instruct the officer(s) involved to respond to another more appropriate location or remain at the scene. If an involved officer is directed to another location, a non-involved officer should be assigned to accompany the involved officer. A Peer Support team member may be given this assignment.
 3. The Shift Commander shall ensure that photographs of the involved officers are taken prior to them leaving the scene, if practical.

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4. It shall be the responsibility of the on-duty Shift Commander to ensure that the incident scene is secured. Any evidence that may degrade because of environmental factors shall be protected and / or collected. Any exigent circumstances must be identified and stabilized.
5. The scene will be maintained by the Kenosha Police Department or designated officers of another agency until the outside investigative agency arrives.
6. The Shift Commander will ensure that the involved officer(s) protects the weapon(s) for examination and submit said weapon to the appropriate investigating authority. If the weapon is a departmental weapon, another department owned weapon may be issued to the officer as a replacement.
7. The Shift Commander will notify the Chief of Police, Deputy Chief of Police, Inspector of Police, the Detective Bureau Captain, the District Attorney and the Medical Examiner. The Shift Commander or his/her designee will be responsible for contacting the primary outside investigative agency. In the event the primary outside investigative agency is not available, review the current training memo for direction.
8. The outside investigative agency designated by the appropriate authority shall investigate the police involved shootings, traffic related deaths, in-custody deaths, and other officer involved deaths. The contacted outside investigative agency shall provide at least two investigators, one of whom will be designated as the lead investigator.
9. The Wisconsin Department of Criminal Investigation (DCI) will be the primary outside investigative agency contacted. This request will be made in situations in which there has been an officer involved death, to include, but not limited to, the following:
 - An officer(s) of the Kenosha Police Department has shot someone.
 - An officer of the Kenosha Police Department has been shot.
 - An off- duty officer of the Kenosha Police Department has been involved in a shooting incident.
 - An officer of the Kenosha Police Department is involved in a vehicle pursuit which results in the death of a citizen or officer.
 - The death of an individual that results directly from an action or omission by an officer(s) of the Kenosha Police Department while he /she is on duty or while an officer of the Kenosha Police Department is off duty but performing activities that are within the scope of his/her law enforcement duties.
10. In the event that a death occurs to an individual as a result of an officer's action that is traffic-related, DCI will be contacted and advised the incident is traffic- related. DCI will then contact the Wisconsin State Patrol Technical Reconstruction Unit (TRU).

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11. The Detective Bureau Captain is the primary liaison between the Kenosha Police Department and DCI or TRU. In the event that the Detective Bureau Captain is unavailable, the Detective Bureau Lieutenant shall be designated as the liaison between the Kenosha Police Department and DCI or TRU.
12. The Detective Bureau Captain or in his/her absence, the Detective Bureau Lieutenant, will coordinate with DCI in contacting the Wisconsin State Crime Lab to respond for evidence collection. If the Crime Lab is unable to respond, the Detective Bureau Captain/Lieutenant will be responsible for coordination of evidence collection with DCI and other personnel as needed.
13. If requested, the Kenosha Police Department will provide assistance to DCI or TRU. The assistance and all other department activities in regards to the incident will be coordinated between DCI or TRU and the departmental liaison.
14. Officers shall identify available witnesses to the incident and may take a written / recorded statement if the witness is unable or unwilling to wait for the arrival of the contacted outside investigative agency. If the witness is willing, he/she should be transported to the Public Safety Building pending the arrival of an investigator from the contacted outside agency.
15. The on-duty Shift Commander shall ensure that the Kenosha Police Department Peer Support team coordinator(s) is advised of the incident.
16. Upon receiving the preliminary report from the outside investigative agency, the Chief of Police may request further investigation by the Investigations Division for any related crimes. The Chief of Police may also request further investigation by the outside investigative agency and/or the Internal Affairs Division.
17. The officer involved shall provide a public safety statement of the incident to the on-scene supervisor, if requested, and provide the same to the outside investigating agency, if needed. It is preferred that the outside investigating agency obtain this information from the on-scene supervisor so that the involved officer does not have to continually repeat the information prior to giving an official statement.
 - a. A Public Safety Statement is obtained due to the exigent circumstances that surround the incident. The intent is to obtain information necessary to ensure officer and public safety and information that may assist in apprehension of involved subjects.
 - b. The outside investigating agency may request, if an officer is able, a brief walk-through so that the officer is able to explain where evidence may be located and where involved persons were. An officer should not view any video of the incident prior to the walk-through.
 - c. If multiple officers are involved, a separate walk-through should be conducted with each individual officer.
18. If there is more than one officer involved, circumstances of the incident are not to be discussed between the officers until each officer has been interviewed.
19. A formal statement from involved officers should occur within 48 to 72 hours of the incident. It is recommended that the officer have at least 2 sleep cycles in between the event and providing a formal statement. The involved officers may review video of the incident prior to the formal statement.

1.3 Use of Force

20. The investigating officer(s) of the contacted outside investigative agency may interview any and all witnesses.
21. In the event the outside investigating agency develops reasonable grounds to believe that a crime may have been committed by the officer(s) in the course of the incident, or the incident is to be considered a criminal investigation, the officer(s) will be advised by Miranda Warnings prior to continuing the interview. Until such time, the officers are to be treated as witnesses.
22. The Chief of Police shall determine at what time an administrative investigation by the Internal Affairs Division and/or the Firearms/Deadly Force Review Board will commence. This investigation will be separate from an investigation conducted by an outside investigative agency as provided by Wisconsin State Statute 175.47(3)(c).

C. The following procedure will be utilized for contact with the victims of officer involved deaths:

1. Pursuant to Wisconsin State Statute Section 950.08(2g)(h), If the victim is a victim of an officer involved death, as defined in s. 175.47 (1)(c) information about the process by which he or she may file a complaint under s.968.02 or 968.26(2) and about the process of an inquest under s.979.05 is to be provided by the outside investigating agency.
2. The outside investigating agency shall be responsible for providing in writing to the victim of an officer involved death, the basic rights of victims under Wisconsin Statute 950.08(2g)

D. PSYCHOLOGICAL SERVICES

1. The Kenosha Police Department will make every effort to provide or make available psychological services for the officer and/or the officer's family, when an officer is involved in a shooting incident involving injury or death.
2. Psychological services shall not be related to any departmental investigation of the incident. The counseling sessions will remain protected by the privileged physician-patient relationship, and no reports of the sessions or information discussed will be filed with the department.
3. A Peer Support team member may be assigned to assist the involved officer as needed.

E. Any officer directly involved in a deadly force incident which results in injury or death shall be placed on leave at the direction of the Chief of police. This leave shall be with pay and benefits, pending the results of the initial investigation.

- a. The assignment of leave is in the best interest of the officer and shall not imply or indicate the officer has acted improperly.
- b. While on leave, and unless determined unable to work by a psychologist or physician, the officer shall be subject to recall to duty at any time.

F. OFFICER RESPONSIBILITY

1. An officer involved in a deadly force incident may be assigned to desk duty or "administrative duty" for a period of time deemed appropriate.

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2. The officer shall remain available at all times for official departmental interviews and statements regarding the shooting/deadly force incident and shall be subject to recall to duty at any time. The officer shall not discuss the incident with anyone except the district attorney, departmental personnel assigned to the investigation, the officer's private attorney, the officer's psychologist, the officer's chosen clergy, the officer's immediate family, and departmental personnel or anyone authorized by the Chief of Police.
3. Officers who discharge their weapons in a use of force incident which results in injury or death of an individual shall complete the department's handgun qualification course prior to returning to full duty.

XV Firearms/Deadly Force Review Board

A. At the direction of the Chief of Police and as soon as practical, the Firearms/Deadly Force Review Board shall convene to review circumstances surrounding each discharge of a firearm by an officer other than for excluded purposes. The Chief of Police shall convene this Board to review other incidents involving the use of deadly force by officers of the Department.

1. The Firearms/Deadly Force Review Board will consist of the following members, unless a member is involved in the incident or subsequent investigation, in which case an alternate Captain, Employee's Immediate Supervisor or person of equal rank will be appointed at the discretion of the Chief of Police.
 - a. Captain of Planning, Training and Research.
 - b. Sergeant, Training Division.
 - c. The employee's immediate supervisor, unless involved in the incident, at which time an alternate first-line supervisor will be appointed.
 - d. The departmental firearms instructor.
 - e. A Defense and Arrest Tactics instructor.
2. The Firearms/Deadly Force Review Board will evaluate, in fact finding fashion, each aspect of an officer-involved use of deadly force. Such an evaluation shall include but is not limited to:
 - a. A thorough review of the investigation reports.
 - b. Information from officers and witnesses, if necessary.
 - c. An examination of physical evidence.
3. The Firearms/Deadly Force Review Board will develop findings and make recommendations to the Chief of Police in the following area:
 - a. Whether the use of force was within policy, outside of policy or accidental.
 - b. Tactical and training considerations.
 - c. The quality of supervision prior to, during and after the use of force incident.
 - d. Potential disciplinary considerations.

1.3 Use of Force

e. The quality of the post-use of force investigative process.

4. The Department will not conduct an internal investigation, unless the Firearms/Deadly Force Review Board or the Chief of Police determines that Departmental policy has been violated. If any violation of Department policy has taken place, the purpose of the administrative investigation will be to determine the facts of the use of deadly force as they relate to departmental policy and procedure.


XVI. MEDIA RELEASES

All media releases will be cleared by the Chief of Police or designee.

XVII. TRAINING AND POLICY ISSUANCE

All officers, prior to being authorized to carry a department authorized weapon(s), will be issued a copy of this policy in conformance with the Issuance of Policy and Procedures Policy of the Kenosha Police Department and demonstrate proficiency with the authorized weapon(s).

All officers will receive annual training in the use of force policies and will demonstrate proficiency with the authorized weapons as prescribed by the policy on range and weapons training.

	KENOSHA POLICE DEPARTMENT		
	POLICY AND PROCEDURE		
	41.14 Mobile Video/Audio and Body-Worn Camera Equipment		
Effective Date:	2/1/2018	Revision Date:	3/25/2022
Action:	41.14 Mobile Video/Audio Equipment		Number of pages: 9

I. PURPOSE

This policy is intended to provide Kenosha Police Department Personnel with standards for the use and maintenance of Mobile Recording Equipment and Body-Worn Cameras (BWCs) so events and contacts with the public are reliably recorded in accordance with this policy and state law.

II. POLICY

The use of Mobile Recording Equipment and Body-Worn Cameras will help preserve public confidence and assist police personnel in performing their duties more efficiently. The Mobile Recording Equipment and Body-Worn Cameras also provide police personnel additional protection while performing their duties.

It is the policy of the Kenosha Police Department that police personnel shall activate the Mobile Recording Equipment and Body-Worn Cameras when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations or other recording devices used by the Department (Interview rooms).

The Kenosha Police Department recognizes that the Mobile Recording Equipment and Body-Worn Camera will not capture exactly what police personnel sees and hears, or what police personnel senses or experiences. The recordings do not provide the totality of the circumstances that drives police personnel’s response to a particular situation.

III. DEFINITIONS

Police Personnel: Any sworn or non-sworn member of the Kenosha Police Department.

Body-Worn Cameras (BWCs): A department issued portable audio/video recording device that can be worn on a police personnel’s body.

Mobile Recording Equipment: Recording equipment installed in the vehicle for capturing audio/video or both. This equipment includes the vehicle-mounted cameras, the vehicle-mounted microphones, and the vehicle computer that contains the software for the system.

Special Investigations Unit (SIU): A multi-agency task force consisting of members of the Kenosha Police Department, and other local or federal law enforcement agencies for which

41.14 Mobile Video/Audio and Body-Worn Camera Equipment

a Memorandum of Understanding has been established.

Special Weapons and Tactics Unit (SWAT): A team of law enforcement and support professionals who respond when requested who are specifically trained to provide a planned tactical response to high-risk situations that require the application of specialized lifesaving tools, tactics, and capabilities, which exceed those immediately available to the agency's first responders.

School Resource Officers (SROs): An officer with sworn authority who is deployed by an employing law enforcement agency or school district in a community-oriented policing assignment to work in collaboration with one or more schools and function as a school-based law enforcement officer.

Critical Incident: An incident involving a law enforcement officer that results in death or an injury which may result in death to a person; or any incident that the Chief of Police or his designee declares a critical incident.

IV. BODY WORN CAMERAS PROCEDURES

A. Administration

The Kenosha Police Department has adopted the use of BWCs to accomplish several objectives. The primary objectives are as follows:

1. BWCs allow for documentation of the police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of police personnel reports and testimony in court.
2. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, police personnel and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for police personnel evaluation and training.

B. Activation of the BWC

1. Police personnel shall activate the BWC in any of the following situations:
 - (a) All enforcement and investigative contacts including, traffic stops, crime interdiction, calls for service, and field interview (FI) situations.
 - (c) Self-initiated activity in which a member would normally notify Dispatch.
 - (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
 - (e) Search warrant entry and execution.
2. Police personnel engaged in direct or indirect investigatory or enforcement action must activate their camera regardless of the number of police personnel on the scene with BWCs.
3. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (see items D.1-4) or as otherwise authorized by a supervisor.
4. Police personnel are not obligated to inform citizens they are being recorded and should not stop recording at their request. Police personnel should offer explanations as to why recordings are beneficial to all involved and offer suggestions to help mediate any conflict, such as moving to a different location/room, etc....

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5. Officers, based on their judgement, may deactivate the BWC if requested to do so by a crime victim or the crime victim's legal guardian.
6. Civilians shall not be allowed to review the recordings at the scene.

C. Procedures for BWC Use

1. BWC equipment is issued primarily to police personnel as authorized by this agency. Police personnel who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
3. The BWC must be worn on the front of the uniform or outside carrier, unobstructed in the front-facing torso area, in a manner that maximizes the video capture area of the camera. Every effort should be made to ensure the camera is not obstructed by outer clothing, such as a traffic vest, or patrol jacket. Police personnel shall only use the BWC mounts approved by the Kenosha Police Department.
4. Police personnel who are assigned BWCs must complete an agency-approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
5. BWC equipment is the responsibility of individual police personnel and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of supervision as soon as possible so that a replacement unit may be procured.
6. Police personnel shall inspect and test the BWC before each shift to verify proper functioning and shall notify their supervisor of any problems.
7. Throughout the police personnel's shift or at the end of their shift, all recorded video files shall be given a classification code and corresponding incident number in the proper incident number format. (xxxx-xxxxxxx)
8. Activity not requiring an assigned incident number shall be tagged appropriately without an incident number being assigned.
9. Police personnel shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his or her designee.
10. Police personnel are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
11. When police personnel are suspected of wrongdoing, the department reserves the right to limit or restrict the police personnel from viewing the video file.
12. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.
13. Police personnel may review their video/audio footage before completing reports to aid in its accuracy. If police personnel are involved in an officer-involved shooting or critical incident, the procedures set forth in Kenosha Police Department Policy, 1.3 Use of Force shall be followed.
14. Police personnel shall note in incidents, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports or statements.

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15. When police personnel fail to activate their BWC, do not record the entire incident, or interrupt the recording for any reason, they shall document, on the recording, the time, place and reason why the recording was not made or was discontinued. This shall also be documented in a written report if a report is completed by the officer.
16. The BWC shall be returned to a department authorized docking station at the end of their shift. All files shall be securely uploaded periodically and no later than the end of each shift unless directed otherwise by supervision. Each file shall contain information related to the date, BWC identifier, and assigned police personnel.
17. Officers are allowed to utilize the BWC temporary mute feature when discussing investigative strategies or tactical planning. This shall also be documented in a written report if a report is completed by the officer.

D. Restrictions on Using the BWC

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Communications with other police personnel without the permission of the Chief of Police.
2. Encounters with undercover police personnel or confidential informants.
3. When on break or otherwise engaged in personal activities; or in any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
4. Police personnel who are engaged in planning, information gathering, or debriefing of an incident.
5. Evidence Technicians processing a crime scene after the initial response by police personnel, shall not activate their BWC while processing the scene unless they encounter another law enforcement activity that requires the activation of the BWC.
6. Police personnel working a planned event that involves traffic direction, planned public relations events or other special events do not have to activate their BWC unless they encounter a law enforcement activity that requires the activation of the BWC.
7. Police personnel who are assigned as perimeter security at any secured crime scene do not have to have the BWC activated unless the scene assignment has a law enforcement-related function such as crowd control or another such public interaction.
8. Police personnel who are assigned a hospital guard duty for an extended period of time do not have to have their BWCs activated unless they encounter another law enforcement activity that requires the activation of the BWC.
9. A health care provider is discussing medical issues with a patient.
10. While in the hospital waiting for a person in custody to be medically cleared unless their behavior dictates the need for continued activation of the BWC.
11. While transporting subjects out of county unless their behavior dictates the need for BWC recording.
12. Police personnel are not required to wear their BWC for court proceedings, DA pre-court meetings, or any other administrative court proceedings.

E. School Resource Officers

The Kenosha Police Department recognizes that the duties and working environment for School Resource Officers (SROs) are unique within law enforcement. It is recognized

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that SROs are required to maintain school safety while keeping the sanctity of the learning environment that the school provides. SROs are expected to continuously build trusting relationships with students and staff. They also have impromptu interventions with students to deescalate arguments and/or conflicts. It is with this understanding that the Kenosha Police Department provides special regulations to SROs on their use of BWCs while remaining in compliance with the Kenosha Police Departments Body-Worn Camera Policy and Procedure.

1. The BWC shall be activated in any of the following situations:
 - a. When summoned by any individual to respond to an incident where it is likely that any law enforcement-related activity will occur.
 - b. Any self-initiated activity where it is previously known or facts develop that a custodial arrest will be made or a law enforcement-related activity will occur.
 - c. Any self-initiated activity where it is previously known or facts develop that the questioning/investigation will be used later in criminal charges.
 - d. When feasible, an SRO shall activate the BWC when the contact becomes adversarial, the subject exhibits unusual or aggressive behavior, or circumstances indicate that an internal complaint will likely be filed.
2. If exigent circumstances prevent an SRO from turning on a BWC when required, the BWC shall be activated as soon as practicable.
3. If an incident is recorded on a BWC, the principal of the school shall be notified of the incident/recording.
4. It is also recognized that SROs often have conversations with students/staff that are unrelated to the investigation of a crime and fall under the definition of a community caretaking function. It is not appropriate to record these conversations as it diminishes the trust between the individual and the SRO.

F. Supervisory Responsibilities

1. Supervisory personnel shall ensure that police personnel equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. At least monthly, supervisors will randomly review BWC recordings to ensure that the equipment is operating properly and that police personnel are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.
3. Recordings may not be reviewed indiscriminately for disciplinary purposes. Recordings will be reviewed when completing the review process stated in #2 of this section, a complaint about misconduct has been made or discovered, or as part of a use of force review.
4. Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, or reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the member's performance.
5. When a non-deadly; less-lethal use of force or critical incident occurs supervisors will follow the procedure set forth in Kenosha Police Department Policy 1.3 Use of Force: Section XI Use of Non-Deadly; Less-Lethal Force.
6. If police personnel are involved in an officer-involved shooting or critical incident, the procedures set forth in Kenosha Police Department Policy, 1.3 Use of Force shall be followed.

V. MOBILE VIDEO AND AUDIO RECORDING PROCEDURE

In order to ensure that the Mobile Recording Equipment is functional and available at the time of need thus providing the department with the most benefit, police personnel operating a vehicle equipped with the Mobile Recording Equipment shall adhere to the following process:

- A. At the beginning of the tour, the Mobile Recording Equipment must be checked for function and serviceability.
 - 1. Police personnel shall log onto the system, enter their identifying information, and shall sync their BWC at the beginning of their tour of duty.
 - 2. The Mobile Recording Equipment shall be checked by police personnel for proper operation during the squad inspection at the beginning of the tour.
 - 3. If the equipment is not functioning properly police personnel will immediately notify their supervisor and complete the proper repair form for the Mobile Recording Equipment.
 - 4. The Mobile Recording Equipment system should be kept running on the vehicle for the police personnel's entire tour so that recording can be activated at any time.
 - 5. The use of the Mobile Recording Equipment is required during the following situations:
 - a. Pursuits
 - b. Traffic Stops
 - c. Squad accidents
 - d. Arrest situations
 - e. Any time police personnel are operating in an emergency vehicle mode
 - f. Crowd gatherings and large disturbances
- B. The Mobile Recording Equipment shall be operated according to instruction and training.
- C. Police personnel should document in the investigative report any audio or video recording that could be beneficial as evidence in that case.
- D. Throughout the police personnel's shift, audio or video files shall be given a classification code and corresponding incident number in the proper incident number format. (xxxx-xxxxxxx)
- E. Activity not requiring an assigned incident number shall be tagged appropriately without an incident number being assigned.

VI. Storage and Retention

- 1. Any release of video/audio files will be done in accordance with any existing departmental policy and/or state open records laws.
- 2. All access to Mobile Recording Equipment and BWC data (images, sounds, and metadata) must be specifically authorized by the Chief of Police or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

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3. Data from BWCs and Mobile Recording Equipment generated by police personnel shall be retained for a minimum of 120 days after the date of recording.
4. Data from a BWC or Mobile Recording Equipment used by police personnel that records any of the following shall be retained until final disposition of any investigation, case, or complaint to which the data pertain:
 - a. An encounter that resulted in the death of any individual or actual or alleged physical injury to an individual.
 - b. An encounter that resulted in a custodial arrest.
 - c. A search during an authorized temporary questioning as provided in 968.25 (i.e. Terry Stop)
 - d. An encounter that included the use of force by a law enforcement officer, unless the only use of force was the use of a firearm to dispatch an injured wild animal.
5. Retention of video beyond 120 days may be directed by a law enforcement officer, or law enforcement agency, a board of police and fire commissioners, a prosecutor, a defendant or a court that determines that the data has evidentiary value in a prosecution.
6. A person making a preservation request or directive of video/audio files shall submit the directive or request to the Kenosha Police Department within 120 days of the recording.
7. Prior to release of any audio/video recordings, the Kenosha Police Department shall review and make the appropriate redactions in accordance with state law. See Appendix A: WI Stat. 165.87(3)
8. Files should be securely stored in accordance with department standards, state records retention laws and are no longer useful for purposes of training or for use in an investigation or prosecution. See Appendix A: WI Statute 165.87 **Body cameras and law enforcement**

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Appendix A.

65.87 Body cameras and law enforcement.

- (1) If a law enforcement agency uses a body camera on a law enforcement officer, the law enforcement agency shall do all of the following:
- (a) Administer a written policy regarding all of the following:
 - 1. The use, maintenance, and storage of body cameras and data recorded by the body cameras.
 - 2. Any limitations the law enforcement agency imposes on which law enforcement officers may wear a body camera.
 - 3. Any limitations the law enforcement agency imposes on situations, persons, or encounters that may be recorded by a body camera.
 - (b) Train all law enforcement officers wearing a body camera on the policy under par. (a) and on the requirements under sub. (2).
 - (c) Train all employees that use, maintain, store, or release data from a body camera on the policy under par. (a) and on the requirements under subs. (2) and (3).
 - (d) Periodically review practices regarding the body cameras and data from body cameras to ensure compliance with the policy under par. (a) and the requirements under subs. (2) and (3).
 - (e) If the law enforcement agency maintains an Internet site or has an Internet site maintained on its behalf, make the policy under par. (a) available to the public on the Internet site.
- (2)
- (a) Except as provided in pars. (b), (c), and (d), all data from a body camera used on a law enforcement officer shall be retained for a minimum of 120 days after the date of recording.
 - (b) Data from a body camera used on a law enforcement officer that record any of the following shall be retained until final disposition of any investigation, case, or complaint to which the data pertain, except as provided in pars. (c) and (d):
 - 1. An encounter that resulted in the death of any individual or actual or alleged physical injury to an individual.
 - 2. An encounter that resulted in a custodial arrest.
 - 3. A search during an authorized temporary questioning as provided in s. [968.25](#).
 - 4. An encounter that included the use of force by a law enforcement officer, unless the only use of force was the use of a firearm to dispatch an injured wild animal.
 - (c) Retention beyond the period determined under par. (a) or (b) may be directed by a law enforcement officer or law enforcement agency, a board of police and fire commissioners, a prosecutor, a defendant, or a court that determines that the data have evidentiary value in a prosecution. A person making a preservation directive under this paragraph shall submit the directive to the law enforcement agency having custody of the record within 120 days after the date of recording.
 - (d) Data from a body camera used on a law enforcement officer that are used in a criminal, civil, or administrative proceeding may not be destroyed except upon final disposition, including appeals, a determination from the court or hearing examiner that the data are no longer needed, or an order from the court or hearing examiner.
 - (e) Notwithstanding pars. (a) to (d), data from a body camera used on a law enforcement officer may not be destroyed during the period specified in s. [19.35 \(5\)](#).
- (3)
- (a) In this subsection:
 - 1. “Authority” has the meaning given in s. [19.32 \(1\)](#).
 - 2. “Record subject” means an individual recorded by a body camera used on a law enforcement officer to whom all of the following apply:
 - a. The individual is depicted in the recording, or the individual's voice is audible in the recording.
 - b. The individual's identity is known to the law enforcement agency.
 - c. The individual is not suspected of committing a crime or other violation of law in connection with the law enforcement officer's presence in the location that was recorded.
 - d. The individual is not a law enforcement officer who was acting in an official capacity, unless a crime or other violation of law has been committed or is alleged to have been committed against the law enforcement officer while the law enforcement officer was present at the location that was recorded.
 - 3. “Requester” has the meaning given in s. [19.32 \(3\)](#).

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- (b) Data from a body camera used on a law enforcement officer are subject to the right of inspection and copying under s. [19.35 \(1\)](#), except as provided in par. (c).
- (c)
1. It shall be the public policy of this state to maintain the privacy of a record subject who is a victim of a sensitive or violent crime or who is a minor and that access to data from a body camera used on a law enforcement officer that record such a record subject shall be provided only if the public interest in allowing access is so great as to outweigh that public policy. In that case, the record subject's face and anything else that would allow the record subject to be identified may be redacted using pixelization or another method of redaction. The presumption under this subdivision regarding the privacy of a record subject who is a victim of a sensitive or violent crime does not apply if the record subject, or his or her next of kin if the record subject is deceased, does not object to granting access to the data. The presumption under this subdivision regarding the privacy of a record subject who is a minor does not apply if the parent or legal guardian of the record subject does not object to granting access to the data.
 2. It shall be the public policy of this state to maintain the privacy of a record subject who is in a location where the record subject has a reasonable expectation of privacy and that access to data from a body camera used on a law enforcement officer that record a record subject in such a location shall be provided only if the public interest in allowing access is so great as to outweigh that public policy. In that case, the record subject's face and anything else that would allow the record subject to be identified may be redacted using pixelization or another method of redaction. The presumption under this subdivision does not apply if the record subject does not object to granting access to the data.
 3. If a requester believes that an authority has improperly made a decision to redact or deny access to data under subd. [1.](#) or [2.](#), the requester may pursue the remedies under s. [19.37 \(1\)](#).
- (d) For purposes of requests under s. [19.35 \(1\)](#) for access to data from a body camera used by a law enforcement agency, the law enforcement agency is the legal custodian of the record, and if any other authority has custody of any such data, that authority is not the legal custodian of that data. If any other authority receives a request under s. [19.35 \(1\)](#) for that data, that authority shall deny any portion of the request that relates to that data.
- (e) Nothing in this subsection prohibits the release of data from a body camera under s. [175.47 \(5\) \(b\)](#).
- History:** [2019 a. 108](#); s. 35.17 correction in (1) (e), (2) (b) 4.

	KENOSHA POLICE DEPARTMENT		
	POLICY AND PROCEDURE		
	1.10 Search and Seizure		
Effective Date:	3/1/1978	Revision Date:	3/13/2014
Action:	Selected excerpts taken from Wisconsin Law Enforcement Officers Criminal Law handbook and Wisconsin Department of Justice, law Enforcement Standards, Defensive and Arrest Tactics. Policy 1.14 Inventory Search of Motor Vehicles.		Number of pages: 10

I. PURPOSE

The purpose of this policy is to provide officers with the basic principles of search and seizure that will affect the admissibility of items seized into evidence.

II. POLICY

It is the policy of the Kenosha Police Department that officers conducting searches and seizures shall do so in accordance with Wisconsin law, the Constitution of the State of Wisconsin and the requirements set forth in the Constitution of the United States.

III. STATUTES

Officers should be familiar with the Wisconsin State Statutes that pertain to Search and Seizure, specifically the procedural requirements. The applicable statutes include but are not limited to: 968.10 thru 968.23.

IV. SEARCH

A search, as defined by the Wisconsin Supreme Court, is the looking into hidden places for contraband, instrumentalities of a crime, fruits of a crime, or evidence of a crime with the intent of charging the individual with an offense.

V. SEIZURE

Seizure of property is limited to contraband, instrumentalities of a crime, fruits of a crime or evidence of a crime. The Fourth Amendment to the Constitution provides individuals a high degree of protection from searches and seizures made by police officers. Searches and seizures carried out by officers without a warrant must be clearly justified by officers as falling into one of the well-defined exceptions to the Fourth Amendment warrant requirement. To avoid suppression of evidence and possible personal liability, officers should attempt to obtain a warrant whenever reasonably possible before instituting a search and/or a seizure.

VI. WHEN AUTHORIZED

Under Wisconsin law, the search of a person, object or place may be made, and things may be seized, when the search is made pursuant to sec. 968.10, Stats.

A. Incident to lawful arrest.

1.10 Search and Seizure

- B. With consent.
- C. Pursuant to a valid search warrant.
- D. With the authority and within the scope of a lawful inspection.
- E. Pursuant to a search during an authorized temporary questioning as provided in sec. 968.25, Stats. [\(see 1.5 Stop and Frisk\)](#).
- F. As otherwise authorized by law.

Searches and seizures are also authorized when they are covered by the judicially recognized exceptions to the warrant requirement.

- A. Automobile-probable cause search (Carroll Doctrine)
- B. Inventory searches
- C. Exigent circumstances - hot pursuit
- D. Protective sweep
- E. Terry stop and frisk

There are also permissible searches, which do not involve the Fourth Amendment, when there is no expectation of privacy. These types of searches include:

- A. Open fields
- B. Abandoned property
- C. Dog sniffs in public places
- D. VIN numbers
- E. Open view
- F. Fly-over's

Whenever an officer discovers evidence while conducting a lawful search, the officer may seize the item under the plain view doctrine, provided that the following three factors are present:

- A. The item is in clear plain view.
- B. The item is obviously evidence or contraband.
- C. The officer is lawfully in the area where the discovery was made.

VII. WITH WARRANT

To obtain a search warrant the officer must present a complaint for warrant or an affidavit that provides sufficient information from which the judge may find probable cause to believe that the objects to be seized are at the place to be searched and are subject to lawful seizure. A warrant may be issued to search a specific person as well as a place or object. Additionally, while the same quantum of evidence is required to show probable cause such evidence must be recent in time. A lapse of days or even hours may be sufficiently stale as to prevent the issuance of a search warrant. It must be reasonable to infer from facts shown in the affidavit that the things are to be found at the place of search. Anticipatory warrants may be issued if the officer has shown the judge facts that the evidence will be at a location at some future time. See sec. 968.23, Stats. for a sample form of a search warrant.

A. *Requirements for a valid warrant*

To be valid, a search warrant must:

1. Be in writing and signed by the issuing judge.

1.10 Search and Seizure

2. Be directed to a law enforcement officer.
3. Command that a particular specified place or person be searched.
4. Particularly describe the subject matter of the search.
5. Be dated.
6. Be based upon a sworn complaint or affidavit showing "probable cause."

A search warrant must meet all of the above requirements. The officer should pay special heed to the requirement of a particular specified place. A physical description of the building, or a description of the apartment as being on the second floor in the north east corner of the building, are good examples of how to ensure accuracy in the warrant. If you intend to search the home, the garage and the car in the garage, specify all of these areas. Any evidence seized under an invalid warrant will be inadmissible, just as if it had been seized without a warrant or without reasonable grounds.

B. *Secrecy of warrant*

The statutes direct that search warrants be issued with "all practicable secrecy." The record on which a search warrant is based is not to be filed or made public until the warrant is executed. Further, there is a criminal sanction of up to \$10,000 fine and/or imprisonment up to two years for anyone who makes any disclosure concerning a search warrant prior to its execution, unless the disclosure is necessary to its execution.

C. *Executing a search warrant*

A search warrant may be executed anywhere in the state by a police officer with police authority in the search location. The search warrant must be executed and served by midnight of the fifth day, counting holidays and weekends, following its issuance.

Although not expressly required by statute, some courts have held that the officer executing a search warrant must have it in their possession and display it if so requested. The statute expressly authorizes the use of "all necessary force" in executing a search warrant. After execution, it must be returned within 48 hours, **excluding** holidays and weekends, even if the five-day period would not yet have ended. The 48-hour rule, however, is ministerial and does not automatically affect the validity of the search.

The police may search any person found at the warrant site if the warrant so specifies or allows for the search of unnamed people. Otherwise, the police may frisk any people they might encounter at the warrant scene **if** they can articulate a reasonable safety concern.

The police may search any items found at the warrant scene, even if they do not belong to the residence's owner, so long as the item has the possibility of containing the evidence searched for and the item is not directly found on a person.

D. *Knocking requirement*

The Constitution requires that in most circumstances an officer knock and announce before seeking to execute a search warrant. However, there are a few exceptions to the "knock and announce" requirement. These exceptions are:

1. Warrants with expressed no-knock authorization.
2. When an officer upon arrival at the scene reasonably believes that knocking and announcing will create a strong likelihood of the destruction of evidence or danger to the officer or others.

E. *Things seized under a search warrant*

1.10 Search and Seizure

Anything described in the search warrant may be seized. With respect to things seized, but not particularly described in the warrant, the Wisconsin Supreme Court has adopted four requirements:

1. The evidence must be discovered in the course of a lawful search.
2. The evidence, by itself or with facts known to the officer provides a connection between the evidence and criminal activity.
3. The evidence is discovered in the physical area searchable under the warrant.
4. The evidence is discovered while the officer is actually searching for objects listed within the warrant.

Whenever this standard is met, the seizure is valid. The search must terminate when all the items named in the warrant are found.

F. *Telephone search warrant*

Wisconsin §968.12 provides for the issuance of a search warrant based upon oral testimony.

The normal procedure would be for the officer requesting the warrant to call the judge, identify themselves as a police officer and indicate that they are requesting an oral or telephone search warrant. The officer must then supply the judge with sufficient information so the judge may determine that: (1) the procedure to obtain a written search warrant cannot be done promptly; and (2) prompt execution of the search warrant is necessary.

If the judge finds these two requirements have been met, the officer should then advise the judge of the information they would normally put in an affidavit; namely, the probable cause for the warrant. If the judge finds the probable cause to be adequate, the officer may then proceed to completing the actual warrant. The officer must complete a duplicate original of the warrant and must read that duplicate original verbatim to the judge. The judge may modify the warrant if they feel it appropriate or may indicate it is satisfactory in its original form. The judge would then direct the officer to sign the judge's name to the bottom of the warrant and also sign their own name. The officer may then execute the warrant by using that duplicate original for the purpose of execution. The judge, in the meantime, shall have completed the original warrant, signed it and filed it with the court file.

It is required that the telephone conversation, subsequent to the officer informing the judge that the purpose of the call is to request a warrant, be recorded by means of a voice recording device. This recording can be at either end of the conversation (at the judge's residence or telephone, or at the phone from which the officer is making the call). If no such voice recording device is available, this procedure may not be used.

This statute makes a warrantless search of someone's home or other property more difficult to justify. The necessary requirements for warrantless search are that there be probable cause and, in most situations, exigent circumstances. Showing exigent circumstances may be difficult, unless an attempt is made to obtain a telephonic warrant. If a warrantless search is made the officer must be prepared to answer questions as to why a telephonic warrant was not requested.

1.10 Search and Seizure

VIII. WITHOUT WARRANT

A search may validly be conducted without a warrant under the following situations:

A. *Incident to lawful arrest*

When a person is lawfully arrested and taken into custody, the officer may conduct a complete search of the person. This search incident to lawful arrest is not limited to a protective pat-down for weapons, nor is it limited to fruits, instrumentalities or evidence of the crime for which the arrest is made, but can be made for any evidence. The officer may also search the area readily accessible to the arrested persons, and any items the suspect has in their possession, including luggage, briefcase, etc.

A person stopped on a traffic charge where a citation is issued generally may not be searched. However, an individual arrested and taken into custody on valid probable cause of a violation of the criminal code may be thoroughly searched for weapons or evidence before being placed in a squad car.

The search incident to lawful arrest must be made contemporaneously with the arrest. The immediate area may be searched when the person is arrested. If a person is arrested at their home, the officer may **not** return after booking the suspect to continue a warrantless search.

Courts have declared that the area immediately accessible to an individual is that area within reach of their outspread arms ("wing-span"), or that area immediately surrounding them into which they can "lunge" to reach a weapon or to destroy evidence

Even with this expansion, however, an arrest may not be used as an obvious shortcut to a warrantless search.

B. *Protective sweep*

If making an arrest in a home, in addition to a search incident to the arrest, the police may conduct a protective sweep for those areas of the home for which an officer has a reasonable suspicion a confederate may be lurking. This sweep is limited in nature and must be specifically targeted to the finding of people. It is not to be used as a ruse for an investigatory search for evidence.

C. *Hot pursuit*

When in pursuit of a suspect wanted for a jailable offence, an officer may enter a home without a warrant if they have probable cause to believe the accused suspect is in the home. This hot pursuit exception is limited to a suspect wanted for a jailable offence (misdemeanor or felony, not ordinance violation) and to a direct pursuit scenario.

D. *In public place*

No search warrant will be required to search a place open to the public, except in certain situations where the person has a "reasonable expectation of privacy." This includes public lands, places of business (but not the private office of one conducting the business) and common areas of apartment buildings.

A closely related exception is the "open fields" concept. Open fields, although privately owned, fenced and even posted "No Trespassing," are not such as gives the person in possession a reasonable expectation of privacy. Only the home and "curtilage" are protected from warrantless search. The curtilage is the area of close proximity to the home. To determine whether an area is curtilage, and thus covered by the Fourth Amendment, or open fields, and thus not covered, the courts look at the following four factors:

1. The proximity of the area to the home.

1.10 Search and Seizure

2. Whether or not the area is enclosed in some fashion.
3. The use of the area, if it used for personal family reasons, it is more likely to be seen as curtilage.
4. Steps taken by the owner to prevent the area from being observed by people walking by.

E. *In "plain view"*

The "plain view" exception is more properly an instance of valid warrantless seizure than warrantless search because no search occurs when an object is in the "plain view" of the officer.

One restriction on this exception is that the officer lawfully be in the place from which they see the object. A gun lying on the floor of an automobile would be in plain view of an officer making a traffic violation arrest. If, however, the car were in the owner's garage, which the officer entered without permission or warrant, the gun would still be in plain view, but viewed during an unlawful search.

A second restriction to this exception is the requirement that the items seized be obviously identifiable as contraband or evidence.

A third restriction is that the officer has constitutional access to the item to be seized. Contraband in a home can be observed in plain view by an officer on the street. However, the officer still cannot enter the home to seize the item unless they have a warrant to enter the home, an emergency exists, or exigent circumstance to justify the warrantless intrusion into the home. **NOTE:** The U.S. Supreme Court has abolished the inadvertency requirement for a plain view seizure.

The U.S. Supreme Court has allowed an "order out" of a motorist stopped for a traffic violation. As the motorist opens the door and steps out of the vehicle, the principles of plain view enable the officer to observe the suspect, the suspect's clothing and the inside of the vehicle for criminal evidence. The court viewed the safety factor as justification of the order. Also the U.S. Supreme Court has allowed an "order out" of passengers in a vehicle which has been lawfully stopped.

An officer may use a flashlight to see at night what would be in plain view in daylight, all else being legal.

IX. CUSTODIAL SEARCHES

Any person arrested and taken into custody may lawfully be thoroughly searched by the jailer, in addition to the search which may have been done incident to arrest by the officer in the field.

The justification for this is to discover any articles on the suspect's person which could constitute a danger to themselves, other inmates or jailers. Articles on their person or in their car may be inventoried as a routine procedure both to protect their ownership interest and to protect the police from claims of conversion or theft. The person arrested will always be subject to a custodial search. If they are arrested in their car, which cannot safely be left at the scene of the arrest, the car may be inventoried at the police station. This would never occur if the person were arrested at home with their car parked in the driveway.

There are times when an arrested person will demand that their car not be impounded. It is necessary that an officer have a reasonable police reason to impound, and may not impound a person's car just because they are arrested. You may not automatically impound a car just because you arrest the operator. You must consider whether the location and circumstances would reasonably allow the car to be left on the street or in a public parking area.

X. CONSENT SEARCHES

No search warrant is required if a person having control of the place or thing to be searched gives their consent to the search. This consent must, however, be voluntarily, freely and knowingly given. The consent must not be coerced by, for example, stating that the person is "making trouble for themselves" by not cooperating. If after indicating an intent to search with or without consent an officer is told, "O.K., go ahead," the consent is not voluntary.

If an officer requests consent of "X" to search their home by indicating that if consent is not given the officer will get a warrant and make the search anyway, the consent may not be voluntary. If the officer had probable cause sufficient to obtain a warrant at the time they asked for consent and the request is not made in a coercive manner, the consent would be valid. If, however, the officer did not have probable cause and was attempting to run a bluff even if they obtain consent, it would have been coerced and later the search could be determined to be invalid.

If the officer specifies the nature of the item to be searched for, the scope of the consent will be limited to any area where there is a chance to find the targeted object.

In consent search of vehicles, it is important that the officer end the original traffic stop before asking for consent. The officer should tell the subject that they are free to go and then ask for permission to search as part of a consensual encounter.

A. Who may give consent

The person who consents to a search must have the authority to grant consent

In the case of a juvenile or adult suspect who lives with their parents, the parents can always consent to a search of the grounds, garage and common areas of the home. If the suspect has their own bedroom which is kept private and the parents respect this privacy, their consent to search the bedroom might be ineffective against the suspect's reasonable expectation of privacy. If the suspect pays their parents room and board, this fact would buttress their claim to privacy. Depending on the circumstances a juvenile may have authority to consent to search their parent's home but only to areas of mutual use.

XI. ABANDONED OBJECTS

This is another exception which is not really a search. A scrap of paper which turns out to be a policy slip or a cigarette butt containing marijuana that was thrown on the ground is abandoned and may be seized. A person seen discarding such an object could then be arrested. Trash placed at the curb on trash pick-up day is generally considered abandoned.

Also, if a subject leaves their property behind because they are fleeing from the police, the property is deemed to be abandoned.

XII. INSPECTION PURSUANT TO LAW

Certain types of businesses, such as restaurants, taverns and hotels, are licensed and subject by statute to unannounced searches under penalty of loss of license. Proprietors of such establishments "consent" beforehand to searches, which extend to the entire area of the business premises. An upstairs apartment could not be searched, and the owner's attached office should not be searched under the provision. In some cases, refusal to consent may constitute a misdemeanor, which would justify an arrest which, in turn, justifies a full search of the person and of the area immediately accessible to them. Each profession or occupation may be subject to varying procedures for inspections, and the officer should consult with the appropriate regulatory agency prior to any warrantless search.

XIII. AUTOMOBILES

Perhaps the best-known exception to the warrant requirement is the "automobile exception." It applies not only to automobiles, but also boats, airplanes or any movable vehicle. The "mobility" of the automobile, the possibility of moving out of the jurisdiction, justifies a warrantless search. Probable cause is required but proof of exigent circumstance is not. Based on probable cause, an officer may search anyplace in an automobile that is reasonable to believe the object of the search might be located. This includes searching any container; closed, locked or open. The officer may search places a judge could give a warrant to search. An officer should say to themselves, "Based on the information I have, what areas would a judge let me search, and for what items?"

The U.S. Supreme Court has abolished any distinction between a probable cause search of an automobile and a search of a particular object known to be in the automobile. Therefore, whether the investigatory focus is on the automobile in general or on a particular object, with probable cause the officer may search within the automobile and seize evidence without a warrant.

A. Search Incident to Arrest

The search incident to arrest doctrine of automobiles is not an automatic police entitlement and may only be applied when:

1. The defendant is still in a position to lunge into the vehicle. It is a very rare circumstance, and an extremely dangerous one, when a police officer will be searching a vehicle while a defendant maintains freedom of movement. Officers will not permit a subject that has been arrested access to the vehicle being searched simply to circumvent restrictions on vehicle searches.
2. Officers may also search the "lunge area" of a vehicle if the officer reasonably believes that the vehicle has evidence supporting the arrest. This search is limited to evidence that supports the arrest only and is not available for evidence unrelated to the arrest.

If a person is arrested in an automobile or immediately after having exited an automobile, and the circumstances permit a search incident to that arrest, the search area includes the "lunge area" when the person was in the automobile

The U.S. Supreme Court has held that the interior of the automobile will be automatically considered to be the lunge area without the officer having to prove that the individual could reach or control any particular item within the interior of the automobile. Thus, incident to a legal custodial arrest, the officer may search the person and the interior of the automobile, including any closed containers and the locked glove compartment, if the officer has a reasonable suspicion that evidence specifically related to this arrest is located within the vehicle. The officer may *not* go into the trunk of the automobile.

B. Inventory

An inventory of an automobile may be done if the automobile is legally impounded. An inventory indicates that the items in the car are inventoried to protect the officer from claims of theft, to protect the automobile owner's property and to protect the integrity of the impound area. An inventory authorizes an officer to go into all parts of the car, including the glove compartment or trunk. Officers have authority to open closed containers found within the car in accord with Kenosha Police Department policy.

When a vehicle has been lawfully impounded and is to be inventoried according to policy, it should be inventoried as soon as practicable. A search conducted after the car has been in

1.10 Search and Seizure

custody for weeks would appear to be a search for evidence and difficult to justify as an inventory to protect the owner's possessions. An inventory of an automobile is just that, and not an investigatory search for evidence. Evidence discovered while legally doing an inventory is admissible in court. The important thing is the court's decision as to what your intent was at the time of inventory. Having a checklist to show what is done each time helps prove it was an inventory and not an investigation.

The scope of an inventory search shall include the areas which can be readily entered. The glove compartment, console or trunk are within the scope of this search. Containers found in the vehicle shall be opened if the content cannot be determined without opening them. The inventory search shall be conducted in a manner to avoid any unnecessary damage to the vehicle or its contents.

IX. **SEARCH OF A PERSON**

When you have the statutory authority to search a person you must search thoroughly. All subjects in your custody must be carefully searched before transporting or turning them over to another officer or detention personnel. A thorough search must be conducted anytime that you accept custody of a subject from another officer or agency.

IMPORTANT: Use appropriate personal protective equipment, such as fluid-resistant gloves whenever possible.

Proper searching requires that you search all areas of the body, including parts such as the groin that are ordinarily private. While this is likely to be somewhat uncomfortable for both the officer and subject, it is necessary because of the potential safety risk if an area is left unsearched. A systematic and professional procedure can minimize the discomfort associated with searching. While a same-sex search is ideal, that is not always possible or feasible. Because ensuring the safety of both officers and the public outweighs gender concerns in an arrest, an officer of either sex may search a subject of either sex.

If a Strip Search must be conducted it will be performed in accordance with Policy [1.6 Strip Search](#), and Wisconsin Stat. §968.255.

Certain basic principles apply to all searches:

- Stabilize and handcuff the subject before searching.
- Search systematically and thoroughly.
- Search from behind the subject, not in front.
- Search as many times as necessary.
- If you find a weapon, assume there is another.

*Officers should refer to guideline and training as set forth by the Wisconsin Department of Justice, Law Enforcement Standards, Defensive and Arrest Tactics.

V. **OWI Search Warrants**

Due to the US Supreme Court decision in Missouri v. McNeely, compelled blood draws for criminal OWI cases must now be obtained with the use of a search warrant. If an officer makes an arrest for a criminal OWI and the violator refuses to submit to a blood test, the officer must obtain a search warrant before taking the blood without the violator's consent.

This procedure is only for criminal OWI offenses, not municipal OWI violations. Blood draws will not be compelled for municipal OWI violations.


- A. The following procedure will be followed for obtaining an OWI Search Warrant.
- Ask for consent to draw the blood.

1.10 Search and Seizure

- If a defendant grants consent, you can take the blood in accordance with our normal policy. Please document the fact that the defendant consents in your report.
- If the defendant refuses to submit to a chemical test of his/her blood please fill out the OWI Warrant Application. Please have the application filled out **PRIOR** to contacting a court official. Best practice is to have the application **notarized** prior to sending it to the appropriate court official. If for some reason you are unable to have it notarized please make the Circuit Court Judge/Court Commissioner aware of that fact when you have phone contact with him / her. The preference of the Judges and the District Attorney's Office is that you have the document notarized before contacting the court official. The reason for this is that the communication with the appropriate official will be by phone and e-mail only.

B. Procedure once the application is filled out:

- Please e-mail the application to **(See Current Procedure)** .
- b. Once you have sent the e-mail please call **(See Current Procedure)**. Calling this number will connect you to the on call court official. If for some reason the on call court official does not answer, please call this number two more times. If you still receive no answer follow the normal procedure for obtaining a warrant (contact another court official).
- c. At that time, the on call court official will review the application request. If the application is sufficiently and properly filled out the court official will fill out the actual pocket size search warrant. The court official will then take a picture of the signed pocket sized warrant and will e-mail back to the address the application was originally sent from. Please print off a copy of that warrant and the application for the defendant. The court official will file the original warrant with the clerk of courts.
- d. Provide the court official with a return phone number in case any questions arise. This may be provided this in your original e-mail.
- e. Once the search warrant is signed, draw the defendant's blood pursuant to the DA's Office normal procedure (two blood draws approximately 1 hour apart).
- f. Fill out the search warrant return. The return, along with the original affidavit and a copy of the search warrant you served on the defendant must be filed with the court within 48 hours. The statutes do not count the time between Friday at 4:30 p.m. and Monday at 8 a.m. Thus, if a search happens on a weekend, please file these documents on Monday morning at the earliest possible opportunity.
- ****Please remember that if the investigating officer transports a defendant to the hospital, or is otherwise detained, another officer can get the warrant and call when the warrant has been signed by a Judge or Court Commissioner. At no time should a defendant be taken to a Judges/Court Commissioners house when attempting to obtain a search warrant**

	KENOSHA POLICE DEPARTMENT			
	POLICY AND PROCEDURE			
	1.11 Searches of Premises With and Without A Warrant			
Effective Date:	4/19/1977	Revision Date:	5/4/2010	
Action:	O-121	Number of pages:		4

I. PURPOSE

The purpose of this policy is to provide officers of the Kenosha Police Department with guidelines for executing a search, with or without a warrant.

II. POLICY

It is the policy of the Department that officers conducting a search, with or without a search warrant, will carry out their duties safely, efficiently and in conformity with state and federal requirements.

III. DEFINITIONS

- A. *Search Site:* The premises and/or person(s) to be searched.
- B. *Search Personnel:* Law enforcement officers and supporting personnel taking part in the execution of the search.
- C. *Evidence Collector:* Member of the search team responsible for the possession, packaging, sealing, and marking of all items seized.
- D. *Supervising Officer:* Search team member, the rank of Sergeant or above who will be responsible for planning and coordinating the execution of the search and/or warrant service.

IV. PROCEDURE

When the need arises to assemble personnel to conduct the search of a premise, with or without a search warrant, the following guidelines will be followed:

- A. Supervisory Responsibility
 - 1. The Shift Commander shall be notified of the impending search or inspection. The Shift Commander or their designee will be in charge of the operation and, for purposes of this policy, will be referred to as the Supervisory Officer. The Shift Commander is ultimately responsible for the outcome of the execution of the search.
 - 2. The Supervisory Officer will be of the rank of Sergeant or above.
 - 3. The Supervisory Officer shall be responsible for ensuring that the search warrant is valid and that the property about to be searched is the property listed on the warrant.

National Tactical Officers Association



NTOA Position Statement

No-Knock Warrant Service

This message is shared on behalf of the NTOA and its Board of Directors.

No-knock warrant service has been the subject of many discussions over the past 30 years. These conversations often result in vigorous and passionate debates, and more often than not end with an agreement to disagree. Recent high-profile incidents have refocused the spotlight on this issue, resulting in renewed scrutiny and making no-knock warrants a key issue in the police reform movement.

We at the NTOA have had this same experience and are intimately aware of the

complexities of this topic. As experienced law enforcement professionals, we appreciate the challenges facing policing, and our intent is not to add to those difficulties.

We can all agree that there is no easy answer, but there is a *correct* answer: No-knock search warrants, though well-intended, no longer pass the test of tactical science, risk mitigation practices, and liability-conscious decision-making.

The NTOA's position on this is not new, nor is it a surrender to the forces of change. Still, we appreciate that this blunt and definitive statement is likely to cause angst and believe we must explain our reasoning.

The NTOA was created with a mission to help save lives through training, education and tactical excellence, and has been teaching and writing about the no-knock issue for years. This mission has not changed.

No-knock is a legal/judicial exception to the constitutional knock-and-announce requirement. No-knock warrants became popular within policing during the "War on Drugs" of the 1980s. The fact that those dealing in illegal narcotics were often armed and had criminal histories involving violence, coupled with the threat of evidence destruction, created a dangerous challenge for law enforcement. As a result, law enforcement adopted the tactics of surprise, speed, and "violence of action" (intimidation). Law enforcement hoped that this combination would quickly overwhelm any resistance and avoid injuries.

The no-knock exception was the critical element to the surprise component of the tactics. It wasn't long before no-knock became synonymous with dynamic entry/movement. Even today, the two terms are inextricably linked. The no-knock became a tactic used for many, if not most, warrants during the 1980s and early to mid-1990s. More often than not, these missions were successful, sometimes

despite ourselves. Unfortunately, we also began to notice a pattern of SWAT officers losing their lives or being seriously injured. Multiple incidents of loss of life forced the NTOA and many agencies to re-examine how we managed risk and to seek alternatives to the no-knock “tactic.”

For years, the NTOA has advocated for the priority of safety and life, which drives strategic decision-making and critical thinking for the development of operational plans and orders. Tactical leaders and supervisors create these plans daily while sending personnel into harm’s way. These safety priorities are well known to all of us, but as a reminder, they are:

1. Hostages/victims
2. Innocent bystanders
3. Public safety personnel (Police, EMS, Fire)
4. Suspect(s)
5. Drugs/evidence (Controlling objective)

Agencies initially used no-knock search warrants to protect the officer from violence and preserve evidence for the prosecution. Though the intent sounds reasonable and is noble in theory, the practice is flawed at its very core. Evidence is the controlling objective for most search warrants, which is the reason for the warrant’s planning and service. Though it is the controlling objective, we must apply sound risk mitigation principles to the problem to better serve the ultimate end state: “suspect(s) in custody and investigation to continue.” We understand the priorities of safety and life. We know from a critical thinking perspective how to build proper strategy to provide effective tactical resolution to the problem while maximizing safety.

For example, if the warrant is for the recovery of drugs, the no-knock warrant purpose is to preserve evidence. The safety priorities ensure the safety of the officers, innocent bystanders, and the suspect before preserving evidence. If the no-knock warrant is used based on the propensity of violence, this further violates the safety priorities. Stealth entry, approach, breaching of the door, crossing the threshold, or other covert means of access only risk the following scenarios:

- The misidentification by the occupants of the police as intruders;
- The compression of space and time negatively affects the ability to correctly interpret situations and the environment for both the police and occupants;
- The misidentification of intent on the part of occupants and the police;
- Police create an environment along with the suspect's intentional or unintentional actions requiring correct interpretation from both sides, which often does not occur, leading to an unfortunate tragedy.

The NTOA's template for sound, defensible risk mitigation is straightforward. Consider all aspects of the mission, including the objective(s), intelligence and applicable legal constraints. Next, consider all of the tactical options at your disposal, and then using the safety priorities, select the safest alternative possible to accomplish your mission. Finally, have the flexibility to adjust to the circumstances (exigency) as they present themselves.

The strategy and tactics developed on a search warrant should always speak to the safety priorities based on intelligence known to the officers. Applying tools and tactics that can be justified and supported by risk mitigation and the safety of all concerned within the environment is mandatory.

When considering the priority of safety and life, it is difficult, at best, to justify or defend no-knock warrant service. Lessons learned over many years and our desire

not to repeat our past mistakes are the foundation for our position.

The NTOA has one overriding objective: to save lives. Thank you all for your service.

CURRENT KENOSHA POLICE DEPARTMENT COMMUNITY ACTIVITIES

(as of June 2022)

Crime Prevention Officers

Education

The Crime Prevention Unit educates the public on a variety of safety topics. Below is the main list with a brief description of each:

1. Personal Safety: Citizens are provided safety information regarding their homes, while on the streets, and in public places.
2. Burglary Prevention: Citizens are provided safety information on ways to make their properties “Hard Targets” in order to deter a burglar. By appointment only, we also provide “Site Surveys” to the homeowner.
3. Women’s Safety: Women are provided safety information regarding their personal safety, including information about stalking, Domestic Violence, and date rape drugs such as GHB.
4. Senior Citizen Safety: Seniors are provided safety information specific to their lives as it relates to diminishing health (physical and mental) along with scams used against them.
5. How to Survive an Active Shooter: Citizens are provided information about how to survive when an active shooting situation occurs. The topics include discussion on past and current incidents (Columbine, Virginia Tech, Las Vegas, and Texas), survival methods, the physical, psychological, and emotional stresses and how to avoid them, and much more.
6. Bank Safety: Employees of financial institutions are provided safety information regarding bank robberies.
7. Identity Theft: Citizens are provided information to avoid becoming a victim of identity theft and other scams.
8. Human Trafficking - Fight to End Exploitation (FEE): Citizens are provided information about what to do and how to respond if they believe someone is a victim of human trafficking.
9. QPR - Suicide Prevention: Citizens (mostly via CIP/CIT training) are provided information to help prevent someone from taking their own life.
10. Business Safety: Employees are provided information regarding safety in the workplace and how to deal with difficult co-workers or customers.
11. Internet Safety for Parents: Parents are provided safety information to protect their children from internet predators.
12. Internet Safety for Children: Youth are provided safety information to protect themselves from internet predators.
13. Street Smarts for Parents: Parents are provided safety information to protect their children while in public.

CURRENT KENOSHA POLICE DEPARTMENT COMMUNITY ACTIVITIES

(as of June 2022)

14. Street Smarts for Children: Youth are provided safety information to protect themselves while in public.
15. Anti-Bullying: Youth are provided safety information regarding all aspects of bullying - survival, witnessing, and offending.

Committees / Groups

As part of our community policing efforts Crime Prevention Officers were or are currently active on the following committees:

1. Uptown Brass Village Restoration Group: This group brings law enforcement, city officials (mayor, alderman, and dept. heads), business owners, and social organizations together in order to improve Kenosha's Uptown area.
2. LIFE Initiative: This group brings law enforcement, social organizations, and concerned citizens together in order to confront the problem of human trafficking.
3. Triad: This group brings together law enforcement, community organizations, and senior citizens to better the lives of senior citizens.
4. Urban Outreach: This group works to address the needs of children, youth and adults through programs and services that encourage them to become self-sufficient and productive members of the community.
5. Concerned Citizens Coalition on Alcohol and Other Drug Abuse for Greater Kenosha (CCC): This group promotes awareness about alcohol and other drug abuse / also established the Teen Task Force.
6. National Alliance on Mental Illness (NAMI): this group is dedicated to helping people affected by mental illness.
7. Alcohol, Tobacco and other Drugs Committee (ATOD): This group works to educate people (mostly children) about substance abuse - they are involved in Red Ribbon Week and develop the "Everything Under the Sun" book.
8. Mayors Youth Commission: This group works to recognize youth in our community under the age of 21 for their activities or achievements. Memorial bricks are sold and placed at Wolfenbittel Park. The money raised is given to the youth in the form of college scholarships.

Neighborhood Watch

The largest program under the Crime Prevention umbrella is the Kenosha Neighborhood Watch Program. Currently, we facilitate 244 groups with approximately 1,800 participants. With Neighborhood Watch, citizens work with law enforcement to fight crime. Participants are taught to report crime and suspicious activity. Specifically, they are to call 911 in an emergency, 656-1234 to report suspicious activity, and our office when the issue can wait more than 24 hours. Almost daily, we receive calls from citizens regarding a variety of issues, from drug houses to poor street lighting.

CURRENT KENOSHA POLICE DEPARTMENT COMMUNITY ACTIVITIES

(as of June 2022)

Miscellaneous Duties

1. Site Surveys: We meet with homeowners and business owners and literally walk with them inside and outside of their properties, advising ways to make those properties a hard target. We then take the information discussed and put it in written form for the citizen.
2. Decoy Squads: During the non-alternate side parking season, two marked police squads without officers are placed in various locations around the city where crime is allegedly occurring or where traffic enforcement is needed.
3. Host National Night Out events: National Night Out is usually the first Tuesday in August. We work alongside Gang Task Force leader, Donna Rhodes, to implement events at 5 locations throughout the city.
4. Solicit donations to alleviate tax payer burden: Letters are sent out to local businesses once per year.
5. Facebook administrators: We post Kenosha Police Department related information on the KPD Facebook page. This information ranges from feel good material to information regarding alleged offenders to emergency information such as power outages.
6. Kenosha News articles: (on hold). For the past several years, the CPU has had a column in the Kenosha News.
7. City Council, Mayor's Office, and Department Heads: We work closely with these people on a variety of issues - from Neighborhood Watch to Nuisance issues to signage/lighting concerns.
8. Drunken driving crash scenarios for the high schools: We facilitate scenarios from time to time for the local high schools who attempt to put forth a safety message regarding the problems surrounding impaired driving.
9. Meet with community groups such as Rotary, Kiwanis, Lion's, Church, and women's groups to provide safety presentations.

Events

On a yearly basis, we attend most of the major city events including but not limited to

1. Kenosha Expo
2. Taste of Wisconsin
3. Grill Games
4. Downtown Car Show
5. HOPE RUN
6. Celebrate Kenosha / July 4th
7. National Night Out

CURRENT KENOSHA POLICE DEPARTMENT COMMUNITY ACTIVITIES

(as of June 2022)

8. Wisconsin Marathon
9. Kenosha Homecoming Car Show
10. Harbor Park Jazz Festival
11. Summer Concert Series – Bandshell, Lincoln Park, PB & J
12. Bike Auctions
13. Landlord Seminars
14. Tribute Island
15. Kingfish

OVERVIEW

The Kenosha Rotary Safety Center is located at 5716 - 14th Avenue and houses the Safety Education Division of the Kenosha Police Department. The Kenosha Police Department's Safety Officer, along with a civilian assistant, are responsible for scheduling safety classes throughout the entire school year with private, public and parochial schools. Grade levels include pre-school, kindergarten, first, third and fifth. Safety subjects cover a variety of areas according to grade level. See attached Kenosha Unified Schools Safety Education Curriculum. The Safety Officer is also responsible for the training and supervision of the Adult Crossing Guards, along with the training of the elementary school's Safety Patrol Cadets. During the summer, the Safety Officer also has a summer program for those parents who enroll their child / children for one week safety sessions during the months of June, July and August. With time permitting, during the months May through August, two to six bike rodeos are held, along with various speaking engagements.

PURPOSE

The purpose of the Kenosha Rotary Safety Center and Safety Education Officer is to:

1. Encourage a positive relationship between the child and the police department.
2. Instill important safety values with the elementary school children.
3. Reduce the chance of children becoming victims of crimes.
4. Provide a safe environment around the elementary school.

ROTARY SAFETY CENTER PROGRAMS

CURRENT KENOSHA POLICE DEPARTMENT COMMUNITY ACTIVITIES

(as of June 2022)

POLICE CADET PROGRAM:

The Kenosha Police Cadet program is open to anyone between the ages of 14-21 who are interested in careers in Law Enforcement

Cadets meet every Tuesday night and get to see firsthand what a career in Law Enforcement looks like.

Officers from the department act as “mentors” to these youth and help them achieve their goals whether is in Law Enforcement or a different career path.

SAFETY CLASSES:

Kenosha public and private schools
Preschool, Kindergarten, 1st, 3rd & 5th grades daily;

October - May

Classes currently are bussed courtesy of First Student Bus Co.,

SAFETY PATROL:

September - training via video taped program at each elementary school. Also swearing-in ceremony.

Approximately 700 cadets in the program.

End of year programs:

Recognition Day Picnic and movie 3rd week in May

SAFETY PATROL FUND, INC.

Send out letters of request for donation to local businesses to support end of year Patrol programs.

ADULT CROSSING GUARDS

CURRENT KENOSHA POLICE DEPARTMENT COMMUNITY ACTIVITIES

(as of June 2022)

Hire, train, order clothing and equipment - June-August
Supervise during school year. Approximately 40 guards employed.

SUMMER PROGRAM AT SAFETY CENTER

2 weeks in June
2 weeks in July
1 week in August
Classes for 4 - 12 year olds

BIKE RODEOS

Hold 2 - 6 rodeos, May - August, at various schools and businesses.

MISCELLANEOUS

Occasional invitations to present programs (speaking or hand-out programs) at various civic events, school events, business clubs.

ADDITIONAL DUTIES OF THE SAFETY OFFICER

- Video production
 - Create PSA's, Department training videos and morale videos
- Manage Social Media
 - Manage KPD's Social Media (Facebook, Twitter, Instagram, YouTube) Currently KPD has the largest Law Enforcement social media following in the state (75K +)
- Christmas morning gift delivery
 - Gifts are collected throughout the year. On Christmas morning, KPD along with Santa go through area neighborhoods and surprises families with gifts
- Junior CSI program
 - During the summer months we host a "Junior CSI" program. Students between the ages of 10-14 spend three days learning how to process crime scenes and all the tools a Crime Scene Tech uses.

CURRENT KENOSHA POLICE DEPARTMENT COMMUNITY ACTIVITIES

(as of June 2022)

- Positive Police Interactions
 - During the school year, groups of officers go into area schools and have “positive interactions” with students. Officers spend time eating lunch, playing games and helping students with their school work.

KENOSHA UNIFIED SCHOOLS / SAFETY EDUCATION CURRICULUM

KENOSHA POLICE DEPARTMENT - TAUGHT AT ROTARY SAFETY CENTER

PRESCHOOL , KINDERGARTEN AND 1ST GRADES

BUS SAFETY	20 minute program that involves use of First Student School Bus. Objectives: Proper bus behavior. Knowledge of emergency evacuation exits. Danger zones around the bus. Railroad crossing procedures. Proper loading and unloading.
PEDESTRIAN SAFETY	30 minute program that includes student participation with a miniature intersection. Objective: Where to cross the street. Who to cross with. Crossing at traffic lights, stop signs and un-controlled intersections. Looking for traffic 3 ways.
BIKE SAFETY	15 minute program involving showing students parts of a bike and how to properly wear a helmet. Objectives: Knowing where to ride. Dangers of the drive way.
STRANGER SAFETY	20 minute McGruff Puppet Program. Objective: Understanding what a stranger is.

CURRENT KENOSHA POLICE DEPARTMENT COMMUNITY ACTIVITIES

(as of June 2022)

Understanding the 4 DON'TS (talk, take, follow & ride).
Understanding where to go for help.

CHILD ABUSE

20 minute program involving 8 minute animated video,
"Speak Up Say NO!

Objective: Understand difference between safe and unsafe touch. Understanding where the private parts of their body exist. Understand that if anyone tries to touch their private parts, they have the right to say NO! Understand who to tell and keep telling till someone listens.

**MEDICINES &
POISONS**

15 minute program involving animated video and flash cards. 6 minute video, "Spike's Poison Prevention Adventure"

Objective: Understand differences between medicines and poisons. Understand use of medicines and who gives them to us. Medicines vs. look-a-like candies. Plants and berry poisons. Liquid drinks vs. Liquid cleaners. Understand where poisons are located in the home and to stay away!

FIRE SAFETY

A new program covering three areas of Fire prevention, MATCH & LIGHTER SAFETY, EXIT DRILLS IN THE HOME, AND SMOKE DETECTORS. This program is taught by the Fire Department only, at all elementary levels. This program features "Cinders", the robotic Fire Prevention Assistant.

GUN SAFETY

15 minute program involving use of animated video,
"Eddie Eagle".

Objective: Understand that real and toy guns can look alike. Understand that no matter what type of gun they find, they should follow 4 rules. 1) Stop 2) Don't Touch 3)

CURRENT KENOSHA POLICE DEPARTMENT COMMUNITY ACTIVITIES

(as of June 2022)

Leave the Area 4) Tell an Adult

KENOSHA UNIFIED SCHOOLS / SAFETY EDUCATION CURRICULUM

KENOSHA POLICE DEPARTMENT - TAUGHT AT ROTARY SAFETY CENTER

KENOSHA SHERIFF'S DEPARTMENT - TAUGHT IN SCHOOL

KENOSHA FIRE DEPARTMENT - TAUGHT IN SCHOOL

3RD AND 5TH GRADES

BUS SAFETY

Same as younger grades

BIKE SAFETY

3rd Grade

30 minute program with the video

Objective: Proper use of helmets. Proper bike check. Road riding vs. sidewalk riding. Exiting driveways.

Understanding intersections. Understanding traffic control vs. un-controlled. Day riding vs. Night riding.

BIKE SAFETY

5th Grade

30 minute program involving hands on magnetic street board and multiple choice test.

Objective: Proper helmet use. Proper bike check.

Understanding street riding dangers. Understanding traffic control and street signs. Proper street riding. Understanding the vehicle blind spot.

HOME ALONE

SAFETY

30 minute program multiple choice test.

Objective: Recognizing unsafe home entry. Proper key safety. Answering phone and speaking with strangers on the phone. Answering door. (When and when not too). Check in procedures with parents. Use of 911 procedures. Safe food preparation.

CURRENT KENOSHA POLICE DEPARTMENT COMMUNITY ACTIVITIES
(as of June 2022)

STRANGER SAFETY	Included in Home Alone Safety.
CHILD ABUSE 3 rd Grade	20 minute program Safe & Uns. Objectives: Same as Pre, K, & 1 Programs.
CHILD ABUSE 5 th Grade	30 minute program involving video, "Why Me? A story about a young girl who is being sexually abused within her own home. Objective: Same as Pre, K, 1 & 3 programs. Able to define Secret, Private and Touch in reference to the subject.
GANG PREVENTION 3 rd Grade	30 minute program involving video, "McGruff's Gang Alert". Objectives: Target schools with gang problems and or by teacher request. Understand similarities but differences between gangs and clubs. Understand, What is a gang? Understand why kids join. Understand gangs objectives (are there positives or negatives). Understand how to avoid and alternatives to gangs.
GANG PREVENTION 5 th Grade	30 minute program involving video, Gang Way? No Way! Objectives: Same as 3 rd grade program.
CINDERS	A new program covering three areas of Fire prevention, MATCH & LIGHTER SAFETY, EXIT DRILLS IN THE HOME, AND SMOKE DETECTIVES. This program is taught by the Fire Department only, at all elementary levels.

CURRENT KENOSHA POLICE DEPARTMENT COMMUNITY ACTIVITIES

(as of June 2022)

This program features “Cinders”, the robotic Fire Prevention Assistant.

GUN SAFETY 3rd Grade

15 minute program involving use of animated video, “Eddie Eagle”.

Objective: Understand that real and toy guns can look a like. Understand that no matter what type of gun they find, they should follow 4 rules. 1) Stop 2) Don’t Touch 3) Leave the Area 4) Tell an Adult

Yearly, the Rotary Safety Center serves approximately 20,000 elementary students from grades K, 1, 3 & 5.

Police Department Generally

Additionally officers of all ranks have engaged in the following activities as it relates to the community as it is recognized that there are many different groups, formal and informal within the community.

- Met with members of the St Mark’s parish and Father Carlos Florez
- Met with other informal groups representing activists and other social change advocates
- Perform walking beats in the Uptown and the Downtown areas
- Attended city festivals and put on demonstrations including K-9 and motorcycle
- Kenosha Professional Police Association puts on Shop with a Cop, school supply giveaways
- Radio Shows
- Participate on other boards of directors etc.

